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# MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, JANUARY 3, 1996
## 5:15 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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(1) EXECUTIVE SESSION: The Board of Permit Appeals shall meet in an Executive Session (closed to public) at 5:15 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

**Regular meeting shall begin at 5:30 p.m.**

(2) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Richard Harrington, attorney for appellant, Anchor Brewery Company, requesting rehearing of Appeal No. 95-149, 370 De Haro Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the Notice of Special Restrictions be amended with an insertion of language to assure that prospective occupants acknowledge and agree that the zoning of the property is for industrial use and the uses permitted there generate industrial noise, odors, dust, glare and traffic accordingly 24 hours a day and such uses are subject to alterations and intensifications in the future. Final language of the Notice to be approved by the Zoning Administrator.

ITEM B: Letter from Jean Warmbold, appellant, requesting rehearing of Appeal No. 95-147, 3943 - 19th Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to UPHOLD the department and GRANT the permit with plans modified to comply with Planning Code.

ITEM C: Letter from Sue C. Hestor, attorney for appellants, requesting rehearing of Appeal Nos. 95-125, 171, 2000 Ulloa Street. Hearing December 6, 1995. Upon motion by Commissioner Felzer and findings by Vice President Murphy, the Board voted 4-0 (Commissioner Bradstreet absent) to UPHOLD the department and GRANT the permits with CONDITIONS: (1) guardrail to be reduced in height to 44 inches as set forth in Director Chiu's letter of December 15, 1995; (2) pole ladder is approved; (3) DBI must be satisfied that the three-foot side yard setback and any lot line windows are in compliance with the standards of the S.F. Building Code; (4) any variances required under the Planning Code must be obtained as determined by the Planning Department.

ITEM D: Letter from Sue C. Hestor, attorney for appellant's estate, requesting rehearing of Appeal Nos. 95-145, 146, 39-41 Boardman Place. Hearing December 6, 1995. Upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Bradstreet absent) to UPHOLD the department and GRANT the permits.

ITEM E: Letter from The Committee to Save Hancock Street, appellant, requesting rehearing of Appeal Nos. 95-156, 157, 160, 31-43 Hancock Street. Hearing December 13, 1995. Upon motion by Vice President Murphy, the Board voted 3-2 (President Alba and Commissioner Felzer dissented) to UPHOLD the department and grant the permit with conditions. Four votes are needed to impose conditions. Then upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the departments and GRANT the permits with CONDITIONS requiring (1) cornices on the four houses shall be varied as shown on Alternative A of the sheet submitted by appellants' attorney Randy Block; (2) entryways and bay windows shall be of as varied designs as possible; and (3) the four houses shall be painted four different colors.

**MOTION AGAINST RESCOPING EIR FOR 959 POWELL AND 8 WETMORE STREETS:**

ITEM F: Letter from Herbert Yanowitz requesting that Board reconsider the Board's decisions of November 29 and December 1995 to hold a hearing for the purpose of correcting the Board's decision of June 5, 1991 recommending to the Planning Department the scope of an Environmental Impact Review (EIR) for the subject property.

**Items (4A) and (4B) shall be heard together**

**APPEAL NO. 95-187**

(4A) CITY CENTRAL HOMEOWNERS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[20, 1995, to Progress Foundation,
[permit to Erect a Building (21
[residential apartments) at
[1096 Eddy Street.
[APPLICATION NO. 9511897.
[FOR HEARING TODAY.

**APPEAL NO. 95-188**

(4B) CATHEDRAL HILL VISTAS HOMEOWNERS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[20, 1995, to Progress Foundation,
[permit to Erect a Building (21
[residential apartments) at
[1096 Eddy Street.
[APPLICATION NO. 9511897.
[FOR HEARING TODAY.

**APPEAL NO. 95-153**

(5) MICHAEL TIEU, dba "OROCCO", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on October 10, 1995,
[of Dance Hall Keeper permit
[and appeal of conditions of
[Place of Entertainment permit
[at 3565 Geary Blvd.
[FOR HEARING TODAY.

**APPEAL NO. 95-190**

(6) JORDAN PARK IMPROVEMENT ASSN., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on November
[21, 1995, to Michael Tieu, Place
[of Entertainment permit at
[3565 Geary Blvd.
[FOR HEARING TODAY.

**APPEAL NO. 95-075**

(7) HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit
[to convert rooms from residential
[to tourist use under Hotel Conver-
[sion Ordinance Section 41.13(d)
[for failure to pay one-for-one
[replacement fee for hotel at
[417 Stockton Street.
[FOR HEARING TODAY.

**APPEAL NO. 95-167**

(8) JAMES SANGIACOMO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on November 13, 1995,
[of permit to Alter a Building
[(raise existing roof line) at
[44 Edgehill Way.
[APPLICATION NO. 9517655.
[FOR HEARING TODAY.

3 1223 05465 4877

**Items (9A), (9B), (9C), (9D) and (9E) shall be heard together**

**APPEAL NO. 95-177**

(9A) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Demolish a Building
[at 3701 - 21st Street.
[APPLICATION NO. 9504442.
[FOR HEARING TODAY.

**APPEAL NO. 95-178**

(9B) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[818 Sanchez Street.
[APPLICATION NO. 9502423S.
[FOR HEARING TODAY.

**APPEAL NO. 95-179**

(9C) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3701 - 21st Street.
[APPLICATION NO. 9504443S.
[FOR HEARING TODAY.

**APPEAL NO. 95-180**

(9D) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3707 - 21st Street.
[APPLICATION NO. 9504444S.
[FOR HEARING TODAY.

**APPEAL NO. 95-181**

(9E) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3717 - 21st Street.
[APPLICATION NO. 9504445S.
[FOR HEARING TODAY.

**APPEAL NO. 95-170**

(10) G.S. ASSOCIATES, dba "GHIRARDELLI SQUARE", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 13, 1995, to J.C.
[Decaux United Street Furniture,
[permit to install a Public
[Service Kiosk at the SW corner
[of Beach and Larkin Streets
[(in front of Ghirardelli Square).
[PERMIT NO. 94PSK-12.
[FOR HEARING TODAY.

**APPEAL NO. 95-186**

(11) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR HEARING TODAY.

**APPEAL NO. V95-196**

(12) MA ESTATES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on November
[22, 1995, to Robert and Beatrice
[Wood, Rear Yard and Front Setback
[Variances (to install a three-car
[garage and to repair a dilapidated
[patio at the rear of an existing
[three story over basement, single-
[family dwelling) for property
[at 2099 Pacific Avenue.
[VARIANCE CASE NO. 95.547V.
[FOR HEARING TODAY.

(13) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: December 28, 1995

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE H. ALBA | PRESIDENT |
| MARY G. MURPHY | VICE PRESIDENT |
| ANGELA M. BRADSTREET | COMMISSIONER |
| DOUGLAS S. CHAN | COMMISSIONER |
| IKE FELZER | COMMISSIONER |

**DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

### PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

### SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

### REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

### ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, JANUARY 3, 1996
# 5:15 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

**PRESENT:** President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Kate Stacy, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **EXECUTIVE SESSION:** The Board of Permit Appeals met in an Executive Session (closed to public) at 5:15 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

**ACTION:** Discussion and no action.

**SPEAKERS:** Kate Stacy, Claire Silvia and Andrew Schwartz, Deputy City Attorneys.

**The regular meeting began at 6:00 p.m.**

(2) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

**SPEAKERS:** Sue Hestor complained about the quality of the tape recording of the November 29, 1995 hearing.

Patricia Vaughey asked that the Muni toilet appeals be continued.

President Alba thanked the Board members for their service.

Commissioner Felzer said he hoped the Board would be retained by the new mayor.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Richard Harrington, attorney for appellant, Anchor Brewery Company, requesting rehearing of Appeal No. 95-149, 370 De Haro Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the Notice of Special Restrictions be amended with an insertion of language to assure that prospective occupants acknowledge and agree that the zoning of the property is for industrial use and the uses permitted there generate industrial noise, odors, dust, glare and traffic accordingly 24 hours a day and such uses are subject to alterations and intensifications in the future. Final language of the Notice to be approved by the Zoning Administrator.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Richard Harrington, attorney for appellant; and David Cincotta, attorney for permit holder.

ITEM B: Letter from Jean Warmbold, appellant, requesting rehearing of Appeal No. 95-147, 3943 - 19th Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to **UPHOLD** the department and **GRANT** the permit with plans modified to comply with Planning Code.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 4-1 (Commissioner Felzer dissented) to **CONTINUE** the matter to **January 10, 1996** to allow the court reporter to prepare a partial transcript of the November 29, 1995 hearing for use by appellant.

SPEAKERS: Jean Warmbold, appellant; and Gary Gee, architect for permit holder.

ITEM C: Letter from Sue C. Hestor, attorney for appellants, requesting rehearing of Appeal Nos. 95-125, 171, 2000 Ulloa Street. Hearing December 6, 1995. Upon motion by Commissioner Felzer and findings by Vice President Murphy, the Board voted 4-1 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** the permits with **CONDITIONS**: (1) guardrail to be reduced in height to 44 inches as set forth in Director Chiu's letter of December 15, 1995; (2) pole ladder is approved; (3) DBI must be satisfied that the three-foot side yard setback and any lot line windows are in compliance with the standards of the S.F. Building Code; (4) any variances required under the Planning Code must be obtained as determined by the Planning Department.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Sue Hestor, attorney for appellants; Alice Barkley for permit holder; James Hutchinson, Senior Building Inspector for Department of Building Inspection; and Kate Stacy, Deputy City Attorney.

After the matter was concluded Ms. Barkley addressed the Board and said she had mistakenly spoken on behalf of the permit holder in the belief it was the following case.

ITEM D: Letter from Sue C. Hestor, attorney for appellant's estate, requesting rehearing of Appeal Nos. 95-145, 146, 39-41 Boardman Place. Hearing December 6, 1995. Upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** the permits.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Bradstreet excused) to **DENY** the request for rehearing.

SPEAKER: Robert Passmore, Zoning Administrator for the Planning Department.

ITEM E: Letter from The Committee to Save Hancock Street, appellant, requesting rehearing of Appeal Nos. 95-156, 157, 160, 31-43 Hancock Street. Hearing December 13, 1995. Upon motion by Vice President Murphy, the Board voted 3-2 (President Alba and Commissioner Felzer dissented) to **UPHOLD** the department and grant the permit with conditions. Four votes are needed to impose conditions. Then upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the departments and **GRANT** the permits with **CONDITIONS** requiring (1) cornices on the four houses shall be varied as shown on Alternative A of the sheet submitted by appellants' attorney Randy Block; (2) entryways and bay windows shall be of as varied designs as possible; and (3) the four houses shall be painted four different colors.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Chan dissented) to **DENY** the request for rehearing.

SPEAKERS: Nicholas Palter, appellant; and Alice Barkley, attorney for permit holder.

MOTION AGAINST RESCOPING EIR FOR 959 POWELL AND 8 WETMORE STREETS:

ITEM F: Letter from Herbert Yanowitz requesting that Board reconsider the Board's decisions of November 29 and December 1995 to hold a hearing for the purpose of correcting the Board's decision of June 5, 1991 recommending to the Planning Department the scope of an Environmental Impact Review (EIR) for the subject property.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to **DENY** the request by Mr. Yanowitz to continue consideration. Then upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Bradstreet dissented) to **DENY** the request for rehearing.

SPEAKERS: Herbert Yanowitz, attorney for neighbors; Kate Stacy, Deputy City Attorney; and Michael Burke, attorney for project sponsor.

**The Board recessed from 7:49 to 8:05 p.m.**

**Items (4A) and (4B) were heard together**

**APPEAL NO. 95-187**

(4A) CITY CENTRAL HOMEOWNERS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November [20, 1995, to Progress Foundation, [permit to Erect a Building (21 [residential apartments) at [1096 Eddy Street. [APPLICATION NO. 9511897. [FOR HEARING TODAY.

**APPEAL NO. 95-188**

(4B) CATHEDRAL HILL VISTAS HOMEOWNERS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November [20, 1995, to Progress Foundation, [permit to Erect a Building (21 [residential apartments) at [1096 Eddy Street. [APPLICATION NO. 9511897. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **CONTINUE** the matters to **January 31, 1996** for a report from the Department of Public Health.

**SPEAKERS:** Steven Fields for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

**Items (5) and (6) were heard together**

**APPEAL NO. 95-153**

(5) MICHAEL TIEU, dba "OROCCO", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on October 10, 1995, [of Dance Hall Keeper permit [and appeal of conditions of [Place of Entertainment permit [at 3565 Geary Blvd. [FOR HEARING TODAY.

**APPEAL NO. 95-190**

(6) JORDAN PARK IMPROVEMENT ASSN., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on November [21, 1995, to Michael Tieu, Place [of Entertainment permit at [3565 Geary Blvd. [FOR HEARING TODAY.

**ACTION:** Before any testimony or discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to **EXCUSE** Commissioner Chan, who left the dais. Then after testimony and discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the

permits with **CONDITIONS**: (1) The operations of the Orocco being carried on without the proper Police Department permits shall cease immediately. (2) No dance hall keeper permit may be applied for by appellant Mr. Tieu for the subject site. (3) Orocco must pass sound testing by the S.F.P.D. Noise Abatement Unit and meet all required sound ordinances including Section 49 of the Police Code and sound produced may not exceed the decibel level set as a maximum by the S.F.P.D. (4) The conditions set forth in the Amended Decision by the S.F.P.D. dated November 21, 1995 (pages 3 & 4) regarding parking, valet service, white zone, hours, prohibition of line of customers in front are hereby upheld. (5) Appellant Michael Tieu shall procure a white curb zone for a minimum of two car spaces at the curb in front of 3565 Geary Boulevard and/or other acceptable curb space to facilitate valet parking. (6) The hours of live music shall cease at 12:00 midnight with no exceptions. (7) Appellant Michael Tieu shall not allow a line of patrons to gather in front of Orocco. A detailed patron management plan shall be submitted to the S.F.P.D. Permit Bureau prior to the granting of this permit. (8) Appellant Michael Tieu shall communicate the name and telephone number of the site manager to the Jordan Park Improvement Association so that any complaints can be responded to quickly. (9) The Orocco shall never play rock and roll music, with no exceptions. (10) The roof ventilation fan shall be repaired and made quieter to the satisfaction of the Department of Public Health. (11) Orocco may not operate with music under the S.F.P.D. place of entertainment permit until all the above conditions have been met.

**SPEAKERS**: Kate Stacy, Deputy City Attorney; Steven Vettel, attorney for permit holder; Phil Gunning, in support of permit holder; Sergeant William Coggan and Officer Dan Gallagher, S.F.P.D.; Tina Bartlett and William Knudsen, appellants; Malcolm McAfee and Ken Passamaneck, in support of appellant.

**Commissioner Chan returned to dais at 9:40 p.m.**

**APPEAL NO. 95-075**

(7) HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit
[to convert rooms from residential
[to tourist use under Hotel Conver-
[sion Ordinance Section 41.13(d)
[for failure to pay one-for-one
[replacement fee for hotel at
[417 Stockton Street.
[FOR HEARING TODAY.

**ACTION**: After discussion, upon motion by Commissioner Chan, the Board voted 2-1 (Vice President Murphy excused, Commissioner Felzer dissented) to **EXCUSE** President Alba because of conflict of interest. Then upon motion by Commissioner Bradstreet, the Board voted 2-1 (Commissioner Felzer dissented) to **CONTINUE** the matter to **January 31, 1996.**

**SPEAKERS**: Kate Stacy, Deputy City Attorney; Andrew Zacks, attorney for appellant; and Sue Hestor, in support of the department.

**APPEAL NO. 95-167**

(8) JAMES SANGIACOMO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on November 13, 1995,
[of permit to Alter a Building
[(raise existing roof line) at
[44 Edgehill Way.
[APPLICATION NO. 9517655.
[FOR HEARING TODAY.

**ACTION:** **RESCHEDULED** prior to hearing to **January 17, 1996** for review by the Planning Department.

**Items (9A), (9B), (9C), (9D) and (9E) were heard together**

**APPEAL NO. 95-177**

(9A) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Demolish a Building
[at 3701 - 21st Street.
[APPLICATION NO. 9504442.
[FOR HEARING TODAY.

**APPEAL NO. 95-178**

(9B) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[818 Sanchez Street.
[APPLICATION NO. 9502423S.
[FOR HEARING TODAY.

**APPEAL NO. 95-179**

(9C) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3701 - 21st Street.
[APPLICATION NO. 9504443S.
[FOR HEARING TODAY.

**APPEAL NO. 95-180**

(9D) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3707 - 21st Street.
[APPLICATION NO. 9504444S.
[FOR HEARING TODAY.

**APPEAL NO. 95-181**

(9E) ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [9, 1995, to McGee Construction, [permit to Erect a Building [(single-family dwelling) at [3717 - 21st Street. [APPLICATION NO. 9504445S. [FOR HEARING TODAY.

**ACTION:** The Board was polled to as to whether the E.R. has been reviewed and considered. After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (Commissioner Bradstreet excused, Vice President Murphy and Commissioner Chan dissented) to continue the hearing. This motion failed and the Board heard the appeals.

Then upon motion by Commissioner Felzer, the Board voted 1-3 (Commissioner Bradstreet excused, President Alba, Vice President Murphy, Commissioner Chan dissented) to uphold the permits. Four votes being necessary to overrule a permit, the permits were **UPHELD**.

**SPEAKERS:** Alexander Shapiro, Monika Henschke, Sylvia Saunders, Donald Wilson, appellants; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; Anthony Martorana, Henry Karnilowicz, Amy Powell, Charles Freeman Stamper, Eleanore Gerhardt, Haide Seraph, Wade Laughter, in support of appellants; Steve Roake and Shawn Gorman, architects for permit holder; and Alice Barkley, for Joe O'Donohue for RBA, Eileen Casey, in support of project.

**APPEAL NO. 95-170**

(10) G.S. ASSOCIATES, dba "GHIRARDELLI SQUARE", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on [November 13, 1995, to J.C. [Decaux United Street Furniture, [permit to install a Public [Service Kiosk at the SW corner [of Beach and Larkin Streets [(in front of Ghirardelli Square). [PERMIT NO. 94PSK-12. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **DENY** the permit with findings.

**SPEAKERS:** Louis Ligouri and Pamela Mendolson for appellant; David Reese and Colin Gife in support of appellant; Jacob Szeto, Department of Public Works; and Harry O'Brien, attorney for permit holder.

**The Board recessed from 10:08 to 10:20 p.m.**

**APPEAL NO. 95-186**

(11) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR HEARING TODAY.

**ACTION:** **RESCHEDULED** prior to hearing to **January 17, 1996** for review by the Planning Department.

**APPEAL NO. V95-196**

(12) MA ESTATES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on November
[22, 1995, to Robert and Beatrice
[Wood, Rear Yard and Front Setback
[Variances (to install a three-car
[garage and to repair a dilapidated
[patio at the rear of an existing
[three story over basement, single-
[family dwelling) for property
[at 2099 Pacific Avenue.
[VARIANCE CASE NO. 95.547V.
[FOR HEARING TODAY.

**ACTION:** **RESCHEDULED** prior to hearing to **February 7, 1996** to allow it to heard with a companion appeal.

(13) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

**SPEAKERS:** None.

There being no further business, President Alba adjourned the meeting at 1:00 a.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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1/10/96

# MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, JANUARY 10, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **REQUEST FOR REHEARING**: Letter from Jean Warmbold, appellant, requesting rehearing of Appeal No. 95-147, 3943 - 19th Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to **UPHOLD** the department and **GRANT** the permit with plans modified to comply with Planning Code.

**APPEAL NO. 95-151**

(3) 1300 - 26TH AVE. TENANTS ASSN., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated October 13, [1995 that no action would be [taken by the Planning Department [on Building Permit Application [No. 9505781 issued April 20, 1995 [for installation of GTE Mobilnet [cellular telephone antennas on [the roof elevator penthouse of [the apartment house at 1300 - [26th Avenue for the reason that [the policy of the Department at [that time was to approve such [permits as accessory and minor [uses to the principal use of [the building as multi-family [residential.
[FOR FURTHER HEARING TODAY.

**APPEAL NO. 95-182**

(4) BOSTON CAFE #3, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on November 9, 1995, of [Tables and Chairs on Sidewalk [permit (two tables and four [chairs) at 28 Van Ness Avenue.
[FOR HEARING TODAY.

**APPEAL NOS. 88-293/4/5**

(5) CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [November 2, 1988, to Mardi- [kian Enterprises, permits to [Erect Structures at 959 Powell [and 8 Wetmore Streets.
[APPLICATION NOS. 8707411S, [8707412S, 8804433S.
[HEARING FOR CORRECTION OF BOARD [DECISION OF JUNE 5, 1991 ON [SCOPING OF ENVIRONMENTAL IMPACT [REPORT.
[SUPERIOR COURT CASE NO. 908-819.

(6) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: January 4, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE H. ALBA | PRESIDENT |
| MARY G. MURPHY | VICE PRESIDENT |
| ANGELA M. BRADSTREET | COMMISSIONER |
| DOUGLAS S. CHAN | COMMISSIONER |
| IKE FELZER | COMMISSIONER |

**DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

## PROCEDURE AT HEARINGS

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Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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City and County of San Francisco

Board of Permit Appeals

# PUBLIC NOTICE

The Board of Permit Appeals has **cancelled** the meetings on **January 10 and 17, 1996** due to lack of quorum.

The next regular meeting is tentatively scheduled for **Wednesday, January 24, 1996, at 5:30 p.m.** in the War Memorial Building, 401 Van Ness Avenue, Room 428.

This will be an informational meeting for newly appointed Commissioners, and departmental representatives and concerned members of the public are invited to participate.

Any questions concerning the scheduling of hearings or any other permit appeal matter may be directed to the Board staff at 875 Stevenson Street, Room 440, telephone 554-6720.

BOARD OF PERMIT APPEALS

Robert H. Feldman
Executive Director

Date this notice posted: January 9, 1996

(415) 554-6720 875 Stevenson St., Room 440 San Francisco 94103

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# MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, JANUARY 24, 1996
## 5:30 P.M., ROOM 428
## WAR MEMORIAL BUILDING, 401 VAN NESS AVENUE

(1) **ELECTION OF OFFICERS.**

(2) **PUBLIC COMMENT:** Presentation shall be limited to three minutes for each speaker.

(3) **PRESENTATIONS BY DEPARTMENT REPRESENTATIVES:**

(a) Robert W. Passmore, Zoning Administrator and Assistant Director - Implementation for the Planning Department.

(b) James Hutchinson, Senior Building Inspector and Manager of Public Services for the Department of Building Inspection.

(c) Sgt. William Coggan for the San Francisco Police Department, Legal Division.

(d) Judith Boyajian, Deputy City Attorney.

(4) Presentation by Executive Director on hearing process.

(5) Questions and comments by Commissioners.

(6) **PUBLIC COMMENT:** Presentation shall be limited to three minutes for each speaker.

Adjournment

Dated posted: January 18, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| CAROLE S. CULLUM | COMMISSIONER |
| WAYNE JACKSON HU | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |
| MAURI SCHWARTZ | COMMISSIONER |

**DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899**

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# MINUTES OF THE
# MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, JANUARY 24, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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(1) **ELECTION OF OFFICERS.** Motion by Commissioner McInerney seconded by Commissioner Cullum to elect Commissioner Hu as President and Commisioner Schwartz as Vice President. Unaminously adopted. Thereafter President Hu presided.

(2) **PUBLIC COMMENT:** None.

(3) **PRESENTATIONS BY DEPARTMENT REPRESENTATIVES:**

(a) Robert Passmore, Zoning Administrator and Assistant Director-Implementation for the Planning Department. Presented Commissioners with copies of Master Plan and Residential Design Guidelines.

(b) James Hutchinson, Senior Building Inspector. Joan MacQuarrie, Chief Building Inspector in attendance and introduced to Board.

(c) Sergeant Terence Collins for the San Francisco Police Department. Officers Barbara Campagnoli and Paul Makeveckas in attendance and introduced to Board.

(d) Judith Boyajian, Deputy City Attorney.

(4) **PUBLIC COMMENT:** Wade Laughter for neighborhood groups on Dolores Heights welcomed the new Commissioners.

(5) President Hu welcomed the new Commissioners and looked forward to a rotating presidency.

(6) Executive Director went over procedures of the Board.

There being no further business, President Hu adjourned the meeting at 7:09 p.m.

Robert H. Feldman
Executive Director

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# MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, JANUARY 31, 1996

## 5:00 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) EXECUTIVE SESSION: The Board of Permit Appeals shall meet in an Executive Session (closed to public) at 5:00 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

**Regular meeting shall begin at 5:30 p.m.**

(2) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM A: Letter from Marcia and Lawrence Lusk, requesting that the Board take jurisdiction over Variance Case No. 94.507V granting a rear yard variance to fill in the northeast and southeast corners of the second floor over the existing first floor at 2310 Steiner Street. Requestors are the variance applicants and seek an amendment to the Zoning Administrator's condition imposed requiring the angling off of the proposed addition.

| | |
|---|---|
| Date granted | November 21, 1995 |
| Appeal period ended | December 1, 1995 |
| Request for jurisdiction | January 3, 1996 |

REQUEST FOR REHEARING:

ITEM B: Letter from Steven L. Vettel, attorney for appellant, requesting rehearing of Appeal No. 95-190, 3565 Geary Blvd. Hearing January 3, 1996. Before any testimony or discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to EXCUSE Commissioner Chan, who left the dais. Then after testimony and discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to UPHOLD the department and GRANT the permits with CONDITIONS: (1) The operations of the Orocco being carried on without the proper Police Department permits shall cease immediately. (2) No dance hall keeper permit may be applied for by appellant Mr. Tieu for the subject site. (3) Orocco must pass sound testing by the S.F.P.D. Noise Abatement Unit and meet all required sound ordinances including Section 49 of the Police Code and sound produced may not exceed the decibel level set as a maximum by the S.F.P.D. (4) The conditions set forth in the Amended Decision by the S.F.P.D. dated November 21, 1995 (pages 3 & 4) regarding parking, valet service, white zone, hours, prohibition of line of customers in front are hereby upheld. (5) Appellant Michael Tieu shall procure a white curb zone for a minimum of two car spaces at the curb in front of 3565 Geary Boulevard and/or other acceptable curb space to facilitate valet parking. (6) The hours of live music shall cease at 12:00 midnight with no exceptions. (7) Appellant Michael Tieu shall not allow a line of patrons to gather in front of Orocco. A detailed patron management plan shall be submitted to the S.F.P.D. Permit Bureau prior to the granting of this permit. (8) Appellant Michael Tieu shall communicate the name and telephone number of the site manager to the Jordan Park Improvement Association so that any complaints can be responded to quickly. (9) The Orocco shall never play rock and roll music, with no exceptions. (10) The roof ventilation fan shall be repaired and made quieter to the satisfaction of the Department of Public Health. (11) Orocco may not operate with music under the S.F.P.D. place of entertainment permit until all the above conditions have been met. The appellant seeks to have Condition No. 2 deleted.

**APPEAL NO. 95-194**

(4) MICHAEL O'CONNOR, dba "JUSTICE LEAGUE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 5, 1995, of [Place of Entertainment permit [at 628 Divisadero Street. [FOR HEARING TODAY.

**APPEAL NO. 95-075**

(5) HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit [to convert rooms from residential [to tourist use under Hotel Conver- [sion Ordinance Section 41.13(d) [for failure to pay one-for-one [replacement fee for hotel at [417 Stockton Street. [FOR HEARING TODAY.

**Items (6A) and (6B) shall be heard together**

**APPEAL NO. 95-193**

(6A) CITIZENS FEDERAL SAVINGS BANK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 7, 1995, of [permit to Alter a Building (to [restore building to last legal [use, remove illegal work through [out) at 258-260 18th Avenue. [APPLICATION NO. 9510975. [FOR HEARING TODAY.

**APPEAL NO. V95-192**

(6B) CITIZENS FEDERAL SAVINGS BANK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 6, 1995, [of Rear Yard Variance (legalize [construction of a two-family [dwelling with a rear deck which [were not built according to the [building permit issued for [construction of the dwelling [and extension into the required [rear yard) at 258-260 18th Avenue. [VARIANCE CASE NO. 95.470V. [FOR HEARING TODAY.

**Items (7A) and (7B) shall be heard together**

**APPEAL NO. 95-187**

(7A) CITY CENTRAL HOMEOWNERS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November [20, 1995, to Progress Foundation, [permit to Erect a Building (21 [residential apartments) at [1096 Eddy Street. [APPLICATION NO. 9511897. [FOR HEARING TODAY.

**APPEAL NO. 95-188**

(7B) CATHEDRAL HILL VISTAS HOMEOWNERS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November [20, 1995, to Progress Foundation, [permit to Erect a Building (21 [residential apartments) at [1096 Eddy Street. [APPLICATION NO. 9511897. [FOR HEARING TODAY.

**APPEAL NO. 95-197**

(8) LAUREN & MARY MARGARET WARD, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[14, 1995, to Progress Foundation,
[permit to Alter a Building
[(disabled accessible entrance,
[concrete pad at entry, repair
[footings, steel pipe, chair lift,
[disabled accessible bathrooms,
[bedrooms, remodel kitchen, install
[automatic fire sprinkler and fire
[alarm panel and remove fourth
[floor equipment) at 2210 Clay
[Street.
[APPLICATION NO. 9515531.
[FOR HEARING TODAY.

**APPEAL NO. V95-185**

(9) DONALD WILSON & EDWARD KIEREN,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on November
[21, 1995, to Dan Phipps, Rear
[Yard Variance (to fill in the
[northeast and southeast corners
[of the second floor over the
[existing first floor) for property
[at 2310 Steiner Street.
[VARIANCE CASE NO. 94.507V.
[FOR HEARING TODAY.

(10) COMMISSIONERS COMMENTS AND QUESTIONS.

Date posted: January 25, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
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Jennifer Schuler
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# MINUTES OF THE
# MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, JANUARY 31, 1996
# 5:00 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **EXECUTIVE SESSION:** The Board of Permit Appeals met in an Executive Session (closed to public) at 5:00 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

**ACTION:** Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **DISCLOSE** matters discussed during Executive Session. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **RESCIND** the previous motion. Then upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **NOT DISCLOSE** matters discussed during Executive Session.

**Regular meeting began at 5:50 p.m.**

(2) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** Nicholas Palter requested another rehearing in the Hancock Street appeals and was advised by the Board to discuss the matter with the Executive Director.

Patricia Vaughey welcomed the Board and offered her assistance.

Commissioner Salgado arrived at 5:59 p.m.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM A: Letter from Marcia and Lawrence Lusk, requesting that the Board take jurisdiction over Variance Case No. 94.507V granting a rear yard variance to fill in the northeast and southeast corners of the second floor over the existing first floor at 2310 Steiner Street. Requestors are the variance applicants and seek an amendment to the Zoning Administrator's condition imposed requiring the angling off of the proposed addition. Appeal No. V95-185 involving same variance is Item 9 below.

| | |
|---|---|
| Date granted | November 21, 1995 |
| Appeal period ended | December 1, 1995 |
| Request for jurisdiction | January 3, 1996 |

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to GRANT jurisdiction and to schedule it with the companion appeal on a later date. Mr. Lusk has ten days to file an appeal.

SPEAKERS: Lawrence Lusk, requestor; Dan Phipps, architect for requestor; and Robert Passmore, Zoning Administrator for the Planning Department.

REQUEST FOR REHEARING:

ITEM B: Letter from Steven L. Vettel, attorney for appellant, requesting rehearing of Appeal No. 95-190, 3565 Geary Blvd. Hearing January 3, 1996. Before any testimony or discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to EXCUSE Commissioner Chan, who left the dais. Then after testimony and discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to UPHOLD the department and GRANT the permits with CONDITIONS: (1) The operations of the Orocco being carried on without the proper Police Department permits shall cease immediately. (2) No dance hall keeper permit may be applied for by appellant Mr. Tieu for the subject site. (3) Orocco must pass sound testing by the S.F.P.D. Noise Abatement Unit and meet all required sound ordinances including Section 49 of the Police Code and sound produced may not exceed the decibel level set as a maximum by the S.F.P.D. (4) The conditions set forth in the Amended Decision by the S.F.P.D. dated November 21, 1995 (pages 3 & 4) regarding parking, valet service, white zone, hours, prohibition of line of customers in front are hereby upheld. (5) Appellant Michael Tieu shall procure a white curb zone for a minimum of two car spaces at the curb in front of 3565 Geary Boulevard and/or other acceptable curb space to facilitate valet parking. (6) The hours of live music shall cease at 12:00 midnight with no exceptions. (7) Appellant Michael Tieu shall not allow a line of patrons to gather in front of Orocco. A detailed patron management plan shall be submitted to the S.F.P.D. Permit Bureau prior to the granting of this permit. (8) Appellant Michael Tieu shall communicate the name and telephone number of the site manager to the Jordan Park Improvement Association so that any complaints can be responded to quickly. (9) The Orocco shall never play rock and roll music, with no exceptions. (10) The roof ventilation fan shall be repaired and made quieter to the satisfaction of the Department of Public Health. (11) Orocco may not operate with music under the S.F.P.D. place of entertainment permit until all the above conditions have been met. The appellant seeks to have Condition No. 2 deleted.

**ACTION:** **RESCHEDULED** prior to hearing to **February 28, 1996** at request of Steven L. Vettel, attorney for Michael Tieu.

**APPEAL NO. 95-194**

(4)

MICHAEL O'CONNOR, dba "JUSTICE LEAGUE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 5, 1995, of
[Place of Entertainment permit
[at 628 Divisadero Street.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 3-2 (Vice President Schwartz and Commissioner McInerney dissented) to overrule the department and grant the permit with conditions. Four votes are needed to overrule a department or impose conditions and the motion failed. The denial is **UPHELD**.

**SPEAKERS:** Sergeants William Coggan and Mark Porto, S.F.P.D.; Judith Boyajian, Deputy City Attorney; Michael O'Connor, appellant; David Godfrey, agent for appellant; Bob Mason, Dennis Ring, Steven Pringle, Lavon Walker, Tony Tericott, Michael Hopper, Sarah Kirschner, Michael Blake, Henry Palmer, Iris O'Connor, Christopher Dailey, Maya Tuve, Gerry Villareal, Ben Nickleberry, Andrew McKinley, Eric Estrada, Ava Legan, Todd Williams, Michael Glasgow, Tommy Fullow, Eric Rezino, Vernon Briggs, Michael Mieto, Aaron Vaughn, Israel Megerssa, Kathryn Alba, Lisa Bergon, Michelle Groves, in support of appellant; and Onie Washington, David Soto, Jim Gunderson, Mary Carr, Bishop James Adams, Gary Banks, Freddie Carter, Clarence Lewis, Alicia Adams, Lorraine Petty, Olga Banks, Gary Freeman, Robert Shortridge, Charles Jones, Alicia Hoffman, in support of department.

**The Board recessed from 8:31 to 8:45 p.m.**

**APPEAL NO. 95-075**

(5)

HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit
[to convert rooms from residential
[to tourist use under Hotel Conver-
[sion Ordinance Section 41.13(d)
[for failure to pay one-for-one
[replacement fee for hotel at
[417 Stockton Street.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **June 26, 1996** to await Judge Cahill's decision in the civil case. Then upon motion by Commissioner Cullum, the Board voted 5-0 to schedule Appeal Nos. 93-036 and 93-176 for **April 17, 1996** to consider rescinding the decisions of the previous Board and rehearing both cases.

**SPEAKERS:** Andrew Zacks, attorney for apellant; and Judith Boyajian, Deputy Attorney.

**Items (6A) and (6B) were heard together**

**APPEAL NO. 95-193**

(6A) CITIZENS FEDERAL SAVINGS BANK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 7, 1995, of
[permit to Alter a Building (to
[restore building to last legal
[use, remove illegal work through
[out) at 258-260 18th Avenue.
[APPLICATION NO. 9510975.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with **CONDITIONS** of the City Planning Commission and Board of Permit Appeals decisions in 1988 in so far as these conditions are consistent with this decision.

**APPEAL NO. V95-192**

(6B) CITIZENS FEDERAL SAVINGS BANK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 6, 1995,
[of Rear Yard Variance (legalize
[construction of a two-family
[dwelling with a rear deck which
[were not built according to the
[building permit issued for
[construction of the dwelling
[and extension into the required
[rear yard) at 258-260 18th Avenue.
[VARIANCE CASE NO. 95.470V.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the variance with findings as stated in David Cincotta's letter dated January 25, 1996 beginning on page 3 and with **CONDITIONS** by the City Planning Commission and Board of Permit Appeals decisions in 1988 in so far as these conditions are consistent with this decision.

**SPEAKERS:** David Cincotta, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; James Holmes, in support of the departments and Judith Boyajian, Deputy City Attorney.

**Items (7A) and (7B) were heard together**

**APPEAL NO. 95-187**

(7A) CITY CENTRAL HOMEOWNERS ASSN.,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November
[20, 1995, to Progress Foundation,
[permit to Erect a Building (21
[residential apartments) at
[1096 Eddy Street.
[APPLICATION NO. 9511897.
[FOR HEARING TODAY.

**APPEAL NO. 95-188**

(7B)

CATHEDRAL HILL VISTAS HOMEOWNERS ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November [20, 1995, to Progress Foundation, [permit to Erect a Building (21 [residential apartments) at [1096 Eddy Street. [APPLICATION NO. 9511897. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** David Friedman and Ken Potter, appellants; Fred Decker, Mary Helen Bricoe, Jan Bolaffi, Howard Schuman, Nancy Gin, Lynn Whittier, Patricia Vaughey, in support of appellants; Steven Fields, permit holder; George Williams, Carla Javits, in support of permit holder; Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Jo Ruffin, Deputy Director for Mental Health for the Department of Public Health, in support of Progress Foundation.

**APPEAL NO. 95-197**

(8)

LAUREN & MARY MARGARET WARD, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December [14, 1995, to Progress Foundation, [permit to Alter a Building [(disabled accessible entrance, [concrete pad at entry, repair [footings, steel pipe, chair lift, [disabled accessible bathrooms, [bedrooms, remodel kitchen, install [automatic fire sprinkler and fire [alarm panel and remove fourth [floor equipment) at 2210 Clay [Street. [APPLICATION NO. 9515531. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Claire Pilcher, attorney for appellants; Mary Margaret and Lauren Ward, appellants; Howard Schuman, Patricia Okuji, Jan Bolaffi, Mary Helen Briscoe, Nancy Gin, Patricia Vaughey, Celeste Friedman, Dr. Oscar Lerner, Charlotte Maeck, Steve Newstadt, in support of appellants; Steven Fields, permit holder; and Judith Boyajian, Deputy City Attorney.

**Commissioner Salgado left dais at 10:44 and returned at 10:46 p.m.**

APPEAL NO. V95-185

(9) DONALD WILSON & EDWARD KIEREN,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on November
[21, 1995, to Dan Phipps, Rear
[Yard Variance (to fill in the
[northeast and southeast corners
[of the second floor over the
[existing first floor) for property
[at 2310 Steiner Street.
[VARIANCE CASE NO. 94.507V.
[FOR HEARING TODAY.

ACTION: RESCHEDULED to date to be set when Lawrence Lusk files his appeal of the conditions of the variance.

SPEAKERS: Donald Wilson was present but did not speak.

(10) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

There being no further business, President Hu adjourned the meeting at 11:15 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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2/7/96

# MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, FEBRUARY 7, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR REHEARING:**

**ITEM A:** Letter from Alexander Shapiro, appellant, requesting rehearing of Appeal Nos. 95-177 - 95-181, 21st and Sanchez Streets. Hearing January 3, 1996. The Board was polled to as to whether the negative declaration had been reviewed and considered and all answered **AYE**. After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (Commissioner Bradstreet excused, Vice President Murphy and Commissioner Chan dissented) to continue the hearing. This motion failed and the Board heard the appeals. Then upon motion by Commissioner Felzer, the Board voted 1-3 (Commissioner Bradstreet excused, President Alba, Vice President Murphy, Commissioner Chan dissented) to uphold the permits. Four votes being necessary to overrule a permit, the permits were **UPHELD**.

**REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

**ITEM B:** Letter from Betty A. Harrison-Place, requesting that the Board take jurisdiction over Building Permit Application No. 9301389 issued to Nicolaus R. Harkins to remodel kitchen; replace window with sliding glass door; replace siding; add metal balcony; replace garage door; replace forced air heater and ducting; resupport landing; replace floor covering and wall paneling in downstairs room; and remove existing awning over rear stair at 1155 Vallejo Street, a one-family house.

| | |
|---|---|
| Date issued | November 20, 1995 |
| Appeal period ended | December 5, 1995 |
| Request for jurisdiction | January 2, 1996 |

**APPEAL NO. 96-005**

(4) FRANCISCO CASTANO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 8, 1996, for work
[done at 882 - 884 York Street.
[APPLICATION NO. 9503262.
[FOR HEARING TODAY.

**APPEAL NO. 95-195**

(5) EDWARD & HELEN FLYNN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 12, 1995
[of permit to Alter a Building
[(remove a third unit and legalize
[a second unit in a building whose
[legal use is one unit) at 1301-
[1301A Bosworth Street.
[APPLICATION NO. 9123985.
[FOR HEARING TODAY.

**APPEAL NO. 96-001**

(6) THOMAS J. CONNOLLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARMENT APPROVAL

[Protesting issuance on December
[15, 1995, to William Nelson, permi
[to Erect a Building (automobile
[lubrication business within a
[one-story building with basement)
[at 1799 - 19th Avenue.
[APPLICATION NO. 9506479S.
[FOR HEARING TODAY.

Date posted: February 1, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, FEBRUARY 7, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Mary Gallagher, Planner for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** Robert Feldman, Executive Director for the Board introduced Mary Gallagher, Planner for the Planning Department, who will be replacing Robert Passmore while he is recovering from an injury.

James Hutchinson, Senior Building Inspector for the Department of Building Inspection announced his promotion to Deputy Director of DBI and that Joan MacQuarrie will represent DBI in the future.

President Hu welcomed Ms. Gallagher and congratulated Mr. Hutchinson.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR REHEARING:**

**ITEM A:** Letter from Alexander Shapiro, appellant, requesting rehearing of Appeal Nos. 95-177 - 95-181, 21st and Sanchez Streets. Hearing January 3, 1996. The Board was polled to as to whether the negative declaration had been reviewed and considered and all answered **AYE**. After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (Commissioner Bradstreet excused, Vice President Murphy and Commissioner Chan dissented) to continue the hearing. This motion failed and the Board heard the appeals. Then upon motion by Commissioner Felzer, the Board voted 1-3 (Commissioner Bradstreet excused, President Alba, Vice President Murphy, Commissioner Chan dissented) to uphold the permits. Four votes being necessary to overrule a permit, the permits were **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 3-2 (Vice President Schwartz and Commissioner Cullum dissented) to **DENY** the request for rehearing.

**SPEAKERS:** Alexander Shapiro, appellant; James Reuben, attorney for permit holder; Charles Freeman Sampler, Paul Kantus, Eleanor Gerhardt, in support of appellant; Joe O'Donoghue, in support of permit holder; Mary Gallagher, Planner for the Planning Department; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

**The Board recessed from 6:45 to 6:53 p.m.**

**REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

**ITEM B:** Letter from Betty A. Harrison-Place, requesting that the Board take jurisdiction over Building Permit Application No. 9301389 issued to Nicolaus R. Harkins to remodel kitchen; replace window with sliding glass door; replace siding; add metal balcony; replace garage door; replace forced air heater and ducting; resupport landing; replace floor covering and wall paneling in downstairs room; and remove existing awning over rear stair at 1155 Vallejo Street, a one-family house.

| | |
|---|---|
| Date issued | November 20, 1995 |
| Appeal period ended | December 5, 1995 |
| Request for jurisdiction | January 2, 1996 |

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **DENY** the request for jurisidiction.

**SPEAKERS:** Betty A. Harrison-Place, requestor; and Mary Gallagher, Planner for the Planning Department. The permit holder did not appear.

**APPEAL NO. 96-005**

(4) FRANCISCO CASTANO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 8, 1996, for work
[done at 882 - 884 York Street.
[APPLICATION NO. 9503262.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

**SPEAKERS:** Judith Romanenkov, agent for appellants; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

**APPEAL NO. 95-195**

(5) EDWARD & HELEN FLYNN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 12, 1995
[of permit to Alter a Building
[(remove a third unit and legalize
[a second unit in a building whose
[legal use is one unit) at 1301-
[1301A Bosworth Street.
[APPLICATION NO. 9123985.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the dpeartment and **GRANT** the permit with findings as prepared by attorney for appellants and amended by Vice President Schwartz and Commissioner Salgado.

**SPEAKERS:** Mary Gallagher, Planner for the Planning Department; John Wiley, attorney for appellants; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

**The Board recessed from 7:46 to 7:52 p.m.**

**APPEAL NO. 96-001**

(6) THOMAS J. CONNOLLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARMENT APPROVAL

[Protesting issuance on December
[15, 1995, to William Nelson, permit
[to Erect a Building (automobile
[lubrication business within a
[one-story building with basement)
[at 1799 - 19th Avenue.
[APPLICATION NO. 9506479S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by President Hu, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Thomas Connolly, appellant; William Nelson, permit holder; Bob Meyers, planning consultant for permit holder; and Brett Gladstone, attorney for permit holder.

There being no further business, President Hu adjourned the meeting at 8:15 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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# MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, FEBRUARY 21, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Jean Warmbold, appellant, requesting rehearing of Appeal No. 95-147, 3943 - 19th Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to UPHOLD the department and GRANT the permit with plans modified to comply with Planning Code.

ITEM B: Letter from Cathedral Hill Vistas Homeowners Association, appellant, requesting rehearing of Appeal No. 95-188, 1096 Eddy Street. Hearing January 31, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and grant the permit.

ITEM C: Letter from Claire Pilcher, attorney for appellants, requesting rehearing of Appeal No. 95-197, 2210 Clay Street. Hearing January 31, 1996. Upon motion by Commissioner Salgado, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Ann Winblad requesting that the Board take jurisdiction over Building Permit Application No. 9600513 issued to Janis Platt for reinforcing plywood and beams of existing garden room at 2614 Buchanan Street.

| | |
|---|---|
| Date issued | January 10, 1996 |
| Appeal period ended | January 25, 1996 |
| Request for jurisdiction | January 29, 1996 |

APPEAL NO. 95-151

(4) 1300 - 26TH AVE. TENANTS ASSN., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated October 13, [1995 that no action would be [taken by the Planning Department [on Building Permit Application [No. 9505781 issued April 20, 1995 [for installation of GTE Mobilnet [cellular telephone antennas on [the roof elevator penthouse of [the apartment house at 1300 - [26th Avenue for the reason that [the policy of the Department at [that time was to approve such [permits as accessory and minor [uses to the principal use of [the building as multi-family [residential.
[FOR FURTHER HEARING TODAY.

**APPEAL NO. 95-189**

(5) AMY & STONEY LAI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 6, 1995, for
[work done at 254 Nueva Avenue.
[APPLICATION NO. 9506654.
[FOR HEARING TODAY.

**APPEAL NO. 95-182**

(6) BOSTON CAFE #3, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on November 9, 1995, of
[Tables and Chairs on Sidewalk
[permit (two tables and four
[chairs) at 28 Van Ness Avenue.
[FOR HEARING TODAY.

**APPEAL NO. 95-167**

(7) JAMES SANGIACOMO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on November 13, 1995,
[of permit to Alter a Building
[(raise existing roof line) at
[44 Edgehill Way.
[APPLICATION NO. 9517655.
[FOR HEARING TODAY.

**APPEAL NO. 95-186**

(8) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR HEARING TODAY.

**APPEAL NO. 96-004**

(9) DOLPH ANDREWS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Revocation on December 15, 1995,
[of permit to Alter a Building
[(new foundations, horizontal and
[vertical extensions to the front
[and rear of building) at
[2710 Broadway Street.
[APPLICATION NO. 9413384S.
[FOR HEARING TODAY.

Date posted: February 15, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

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## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
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# MINUTES OF THE
# MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, FEBRUARY 21, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum and Mario Salgado.

Robert Passmore, Zoning Administrator and Alec Bash, Deputy Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**ABSENT:** Commissioner John McInerney.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** Philip Carleton commented on the poor quality of the tapes recorded from the public microphone in Room 428.

Ramona Albright reported on electromagnetic radiation emissions from Sutro Tower.

Margaret Verges reported on a FCC workshop on standards of exposure to electromagnetic radiation.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKER:** President Hu asked the Executive Director in the future to distribute copies of any correspondence addressed to him to the other Commissioners.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Jean Warmbold, appellant, requesting rehearing of Appeal No. 95-147, 3943 - 19th Street. Hearing November 29, 1995. Upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) to UPHOLD the department and GRANT the permit with plans modified to comply with Planning Code.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Salgado dissented) to grant rehearing. Four votes are needed and the motion failed. The request is DENIED.

SPEAKERS: Jean Warmbold, appellant; Alice Barkley, attorney for permit holder; and Gary Gee, architect for permit holder.

ITEM B: Letter from Cathedral Hill Vistas Homeowners Association, appellant, requesting rehearing of Appeal No. 95-188, 1096 Eddy Street. Hearing January 31, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and grant the permit.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Ken Potter, appellant; Celeste Friedman, in support of appellant; and Steven Fields, permit holder.

ITEM C: Letter from Claire Pilcher, attorney for appellants, requesting rehearing of Appeal No. 95-197, 2210 Clay Street. Hearing January 31, 1996. Upon motion by Commissioner Salgado, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Claire Pilcher, attorney for appellants; Steven Fields, permit holder and Judith Boyajian, Deputy City Attorney.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Ann Winblad requesting that the Board take jurisdiction over Building Permit Application No. 9600513 issued to Janis Platt for reinforcing plywood and beams of existing garden room at 2614 Buchanan Street.

| | |
|---|---|
| Date issued | January 10, 1996 |
| Appeal period ended | January 25, 1996 |
| Request for jurisdiction | January 29, 1996 |

**ACTION:** **WITHDRAWN** prior to hearing (reported to Executive Director by Janis Platt, permit holder).

**APPEAL NO. 95-151**

(4)

1300 - 26TH AVE. TENANTS ASSN.,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated October 13,
[1995 that no action would be
[taken by the Planning Department
[on Building Permit Application
[No. 9505781 issued April 20, 1995
[for installation of GTE Mobilnet
[cellular telephone antennas on
[the roof elevator penthouse of
[the apartment house at 1300 -
[26th Avenue for the reason that
[the policy of the Department at
[that time was to approve such
[permits as accessory and minor
[uses to the principal use of
[the building as multi-family
[residential.
[FOR FURTHER HEARING TODAY.

**ACTION:** After discussion, the Board voted 4-0 to **OVERRULE** the Zoning Administrator with the **CONDITION** that the permit be **SUSPENDED** until the conditional use process has concluded.

**SPEAKERS:** Robert Passmore, Zoning Admnistrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Barbara Cowell, appellant; Margaret Verges, Mary Ann Miller, Mary Irene Zemanek, Patricia Vaughey, Ramona Albright, Joe O'Donoghue, Howard Strassner, Steve Yearwood, Mary Ellen Sillcox, Eric Albronda, Philip Carleton, in support of appellant; Peggy O'Laughlin, attorney for GTE Mobilnet; Mike Wilbanks, GTE Mobilnet; Bob Weller, engineer for GTE Mobilnet; and Walter Wong, consultant for GTE Mobilnet.

**The Board recessed from 8:13 to 8:30 p.m.**

**APPEAL NO. 95-189**

(5)

AMY & STONEY LAI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 6, 1995, for
[work done at 254 Nueva Avenue.
[APPLICATION NO. 9506654.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $199.55 for a total of $399.10 and a recommendation to DBI to waive whole penalty.

**SPEAKERS:** Amy Lai, appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection, Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for the Planning; and Joe O'Donoghue, in support of appellant.

**APPEAL NO. 95-182**

(6) BOSTON CAFE #3, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on November 9, 1995, of
[Tables and Chairs on Sidewalk
[permit (two tables and four
[chairs) at 28 Van Ness Avenue.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit with the following **CONDITIONS:** (1) the diverters must be attractive and complement street face and storefront. (2) keep all litter off streets generated by the business.

**SPEAKERS:** Amir Kazemi, for Department of Public Works; Rita Mak and Walter Wong, consultants for appellant; and Vince Farina, appellant.

**APPEAL NO. 95-167**

(7) JAMES SANGIACOMO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on November 13, 1995,
[of permit to Alter a Building
[(raise existing roof line) at
[44 Edgehill Way.
[APPLICATION NO. 9517655.
[FOR HEARING TODAY.

**ACTION:** **CONTINUED** to **April 17, 1996** at request of appellant.

**SPEAKERS:** Kathy Darby, in support of the department; Barry Kane, in support of appellant; and James Sangiacomo, appellant.

**APPEAL NO. 95-186**

(8) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR HEARING TODAY.

**ACTION:** **RESCHEDULED** prior to hearing to **February 28, 1996** at request of attorney for permit holder with agreement of attorney for appellants.

**APPEAL NO. 96-004**

(9) DOLPH ANDREWS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Revocation on December 15, 1995,
[of permit to Alter a Building
[(new foundations, horizontal and
[vertical extensions to the front
[and rear of building) at
[2710 Broadway Street.
[APPLICATION NO. 9413384S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by President Hu, the Board voted 4-0 to **UPHOLD** the department decision to **REVOKE** the alteration permit, and require the owners apply for demolition and new construction permits with no imposition of Section 318.1 Building Code penalty which would prohibit any permit for five years except for replacement of the demolished house.

**SPEAKERS:** Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Lynn Axelrod, attorney for appellant; Joe O'Donoghue, Ian Burke, Courtney Clarkson, in support of appellant; Alice Barkley and Howard Wexler, attorneys for permit holder; Howard Milstein, in support of permit holder; and Judith Boyajian, Deputy City Attorney.

There being no further business, President Hu adjourned the meeting at 10:00 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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# MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, FEBRUARY 28, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**APPEAL NO. 96-007**

(3) CITIZEN REVIEW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination on January 24, 1996,
[by the Department of Building
[Inspection that the owners did
[not demolish a single family
[dwelling at 667 Chenery Street
[and thereby did not violate Section
[318.1 of the S.F. Building Code
[because all work was done either
[with the benefit of a permit or
[at the direction of an inspector.
[APPLICATION NO. 9321189S.
[FOR HEARING TODAY.

**APPEAL NO. 95-095**

(4) JIM LIGHTSEY, Appellant
vs.
FIRE DEPARTMENT, Respondent

[Protesting issuance on June
[21, 1995, to Mission Vocational
[& Language School, Public Assembly
[permit (dining: 595 persons,
[dancing: 1,000 persons) at
[2929 - 19th Street.
[PERMIT NO. 951557.
[FOR HEARING TODAY.

**APPEAL NO. 95-172**

(5) PATRICIA SHEAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on
[November 16, 1995, to Ed
[Callan, permit to Alter a
[Building (reduce scope of
[work to add a new elevator)
[at 1441 Montgomery Street.
[APPLICATION NO. 9519545.
[FOR HEARING TODAY.

**APPEAL NO. 95-184**

(6) MARILYN LUCIA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 16, 1995, to Beverlee
[Goldbrener, permit to Alter
[a Building (three-foot high
[retaining wall extension at
[rear of existing garage) at
[142 Cerritos Avenue.
[APPLICATION NO. 9518214.
[FOR HEARING TODAY.

**APPEAL NO. 95-186**

(7) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR HEARING TODAY.

**Items (8A) and (8B) shall be heard together**

**APPEAL NO. V95-185**

(8A) DONALD WILSON & EDWARD KIEREN,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on November
[21, 1995, to Dan Phipps, Rear
[Yard Variance (to fill in the
[northeast and southeast corners
[of the second floor over the
[existing first floor) for property
[at 2310 Steiner Street.
[VARIANCE CASE NO. 94.507V.
[FOR HEARING TODAY.

**APPEAL NO. V96-009**

(8B) LAWRENCE & MARCIA LUSK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of condition of Rear Yard
[Variance (the addition to the
[northeast corner of the building
[shall be revised limiting the
[extension to be within a trianglar
[area created by connecting the
[points of the two furthermost
[northeast corners of the subject
[property) granted on November
[21, 1995 for property at 2310
[Steiner Street.
[VARIANCE CASE NO. 94.507V.
[FOR HEARING TODAY.

(9) **CONSIDERATION OF DEPARTMENT BUDGET FOR FISCAL YEAR 1996-1997.**

Date posted: February 22, 1996

# MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, FEBRUARY 28, 1996
# 5:00 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum and John McInerney.

Alec Bash, Deputy Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**ABSENT:** Commissioner Mario Salgado.

**EXECUTIVE SESSION:** At the request of the City Attorney, the Board of Permit Appeals convened in Executive Session (closed to public) in Room 428 at 5:00 p.m. to discuss the litigation below with Linda Ross, deputy city attorney pursuant to Government Code Section 54956.9(a)(1).

Elizabeth Furnelli, dba Solid Gold, Inc. vs. CCSF, et al.
U.S. District Court, N.D. of California
No. C-95-3517SAW
Appeal No. 95-120
650 Howard Street

**ACTION:** After the regular meeting was convened at 5:47 p.m., upon motion by Commissioner McInerney, the Board voted 4-0 to **NOT DISCLOSE** matters discussed during the Executive Session.

**The regular meeting began at 5:47 p.m.**

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** Ramona Albright thanked the Board for its recent decision concerning cellular telephone antennas.

Timothy Gillespie of the Public Access Project explained closed session laws.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Hu responded to Ramona Albright's comments.

APPEAL NO. 96-007

(3) CITIZEN REVIEW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Determination on January 24, 1996, [by the Department of Building [Inspection that the owners did [not demolish a single family [dwelling at 667 Chenery Street [and thereby did not violate Sectio [318.1 of the S.F. Building Code [because all work was done either [with the benefit of a permit or [at the direction of an inspector. [APPLICATION NO. 9321189S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Hu, the Board voted 4-0 t UPHOLD the department.

SPEAKERS: Joan MacQuarrie, Chief Building Inspector for the Department of Buildin Inspection; Alec Bash, Deputy Zoning Administrator for the Planning De partment; Roberta Caravelli, appellant; Valborg Tietz and Timothy Gilles pie, in support of appellant; Alice Barkley, attorney for permit holder and Joe O'Donoghue, contractor for permit holder.

**The Board recessed from 7:31 to 7:45 p.m.**

APPEAL NO. 95-095

(4) JIM LIGHTSEY, Appellant
vs.
FIRE DEPARTMENT, Respondent

[Protesting issuance on June [21, 1995, to Mission Vocational [& Language School, Public Assembly [permit (dining: 595 persons, [dancing: 1,000 persons) at [2929 - 19th Street. [PERMIT NO. 951557. [FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to **May 1, 1996** at the request of partie to allow time for settlement.

APPEAL NO. 95-172

(5) PATRICIA SHEAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on [November 16, 1995, to Ed [Callan, permit to Alter a [Building (reduce scope of [work to add a new elevator) [at 1441 Montgomery Street. [APPLICATION NO. 9519545. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Brett Gladstone, attorney for appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Alec Bash, Deputy Zoning Administrator for the Planning Department; Clint Callan, attorney for permit holder; Steven House, architect for permit holder; Ed Callan, permit holder; and Patricia Shean, appellant.

**APPEAL NO. 95-184**

(6) MARILYN LUCIA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 16, 1995, to Beverlee
[Goldbrener, permit to Alter
[a Building (three-foot high
[retaining wall extension at
[rear of existing garage) at
[142 Cerritos Avenue.
[APPLICATION NO. 9518214.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to rescind the Certification of Final Completion and Occupancy to allow the Department of Building Inspection to work out an equitable solution.

**SPEAKERS:** Marilyn Lucia, appellant; Albert Hassid, for permit holder; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**APPEAL NO. 95-186**

(7) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR HEARING TODAY.

**ACTION:** After testimony and discussion, on motion by Commissioner Cullum, the Board voted 4-0 to **CONTINUE** to **March 27, 1996** to allow time for the parties to reach a compromise design that meets the Residential Design Guidelines.

**SPEAKERS:** Sue Hestor, attorney for appellants; Zelko Simoni, appellant; Ramona Albright, Abdol Adjari, Rise Loos, Joseph Micksak, Michael Breckridge, John Fisella, Alice Parcher, in support of appellants; Brett Gladstone, attorney for permit holder; Gene Lam, permit holder; Arnold Lerner, architect for appellant; and Alec Bash, Deputy Zoning Administrator for the Planning Department.

The Board recessed from 9:40 to 9:47 p.m.

**REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:**

**ITEM C:** Letter from Cathedral Hill Vistas and City Central Homeowners Association requesting that the Board take jurisdiction over City Planning Commission Resolution No. 13641 approving parking, separation, land coverage and side setback variances for 1096 Eddy Street (Redevelopment Plan Variance No. 94.001V).

| | |
|---|---|
| Date approved | February 3, 1994 |
| Appeal period ended | February 14, 1994 |
| Request for jurisidiction | Feburary 23, 1996 |

**APPEAL NO. V95-191**

(4) BRUCE S. MILIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 4, 1995, [of Parking Variance (legalize [an existing ground floor bed- [room and full bathroom and [allow for installation of a [kitchen so that these rooms [could operate independently [as a second unit in the exist- [ing single-family dwelling) [at 255 Jersey Street. [VARIANCE CASE NO. 95.417V. [FOR HEARING TODAY.

**APPEAL NO. 96-012**

(5) STANLEY G. HILTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Suspension on February 9, 1996, [by the Department of Building [Inspection of permit to Alter [a Building at 3589 - 21st Street [for the reason that a lack of [clear permit history does not [reveal that the subject building [was ever converted with a building [permit from its original construc- [tion in about 1885 to a two-family [dwelling. [APPLICATION NO. 9518833. [FOR HEARING TODAY.

**APPEAL NO. 96-008**

(6) JOSEPHINE Y. LEUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [20, 1996, to Donald and Twila [Parker, permit to Alter a [Building (construct 7' rear [deck, handicapped bathroom and [bedroom at the ground floor) [at 2066 - 36th Avenue. [APPLICATION NO. 9515861. [FOR HEARING TODAY.

**APPEAL NO. 96-010**

(7) JOHN HERRELL, Appellant
vs.
ZONING ADMINSITRATOR, Respondent

[Appeal of Zoning Administrator's [determination dated January 30, [1996 that he cannot require reter [tion of off-street parking spaces [on Lot 7 of Assessor's Block 1745 [(1241 - 5th Avenue) for use by [occupants of the apartment buildir [on Lot 8 (408 - 418 Hugo Street) [for the reason that these spaces [were created without a building [permit and are in probable vio- [lation of the Planning Code. [FOR HEARING TODAY.

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

### PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

### SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

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Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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A sound enhancement system is used at the hearing.

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**APPEAL NO. 96-011**

(8) RAYMOND S. BREGANTE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation dated January 30, [1996 by the Zoning Administrator [that garment manufacturing is [not a permitted use under the [Planning Code at 134 Golden Gate [Avenue which is zoned RC-4 (Resi-[dential-Commercial Combined-High [Density) and is in the North of [Market Residential Special Use [District.
[FOR HEARING TODAY.

**APPEAL NO. V95-196**

(9) MA ESTATES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on November [22, 1995, to Robert and Beatrice [Wood, Rear Yard and Front Setback [Variances (to install a three-car [garage and to repair a dilapidated [patio at the rear of an existing [three story over basement, single [family dwelling) for property [at 2099 Pacific Avenue.
[VARIANCE CASE NO. 95.547V.
[FOR HEARING TODAY.

**APPEAL NO. V96-002**

(10) ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on December [22, 1995, to Ma Estates, Rear [Yard Variance (construct swimming [pool enclosure and deck at rear-[most of the lot adjacent to the [existing rear cottage) at 2090 [Jackson Street.
[VARIANCE CASE NO. 95.009V.
[FOR HEARING TODAY.

Date posted: March 7, 1996

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, MARCH 13, 1996

## 5:00 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Judith Boyajian, Deputy City Attorney and Robert Feldman, Executive Director for the Board.

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **EXECUTIVE SESSION** (closed to public):

At the request of the City Attorney the Board convened in executive session to discuss the litigation below pursuant to Government Code Section 54956.9(a)(1).

(a) Harsch Investment Corp. vs. CCSF, et al.
Superior Court No. 962445
Appeal Nos. 93-036 and 93-176
417 Stockton Street, Allison Hotel (formerly All Seasons Hotel)

(b) Elizabeth Furnelli, dba Solid Gold, Inc. vs. CCSF, et al.
U.S. District Court, N.D. of California
No. C-95-3517SAW
Appeal No. 95-120
650 Howard Street

Deputy City Attorneys Andrew Schartz (a) and Linda Ross (b) represented the City Attorney.

Upon completion of the closed session, the Board reconvened the special meeting and, voted not to disclose the information discussed.

**President Hu adjourned the Special Meeting at 5:44 p.m. and immediately covened the regular meeting.**

# MINUTES OF THE
# MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, MARCH 13, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Carol Mardeusz, Court Reporter.

**Carol Mardeusz, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUESTS FOR REHEARING:**

**ITEM A:** Letter from Michael O'Connor, appellant requesting rehearing of Appeal No. 95-194, 628 Divisadero Street. Hearing January 31, 1996. Upon motion by Commissioner Cullum, the Board voted 3-2 (Vice President Schwartz and Commissioner McInerney dissented) to overrule the department and grant the permit with conditions. Four votes are needed to overrule a department or impose conditions and the motion failed. Denial is **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **April 17, 1996** with agreement of the appellant and the S.F.P.D.

**SPEAKERS:** Michael Proctor, attorney for appellant; and Sergeant William Coggan, S.F.P.D.

**ITEM B:** Letter from Lynn L. Axelrod, attorney for Dolph Andrews, appellant requesting rehearing of Appeal No. 96-004, 2710 Broadway Street. Hearing February 21, 1996. Upon motion by President Hu, the Board voted 4-0 (Commissioner McInerney absent) to **UPHOLD** the department decision to **REVOKE** the alteration permit, and require the owners apply for demolition and new construction permits with no imposition of Section 318.1 Building Code penalty which would prohibit any permit for five years except for replacement of the demolished house.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** Commissioner McInerney because of conflict of interest; his firm has represented the permit holder. Then after discussion, upon motion by Commissioner Salgado, the Board voted 3-1 to **DENY** the request for rehearing.

**SPEAKERS:** Lynn Axelrod, attorney for appellant; and Alice Barkley, attorney for permit holder.

**REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:**

**ITEM C:** Letter from Cathedral Hill Vistas and City Central Homeowners Associations requesting that the Board take jurisdiction over City Planning Commission Resolution No. 13641 approving parking, separation, land coverage and side setback variances for 1096 Eddy Street (Redevelopment Plan Variance No. 94.001V).

| | |
|---|---|
| Date approved | February 3, 1994 |
| Appeal period ended | February 14, 1994 |
| Request for jurisdiction | February 23, 1996 |

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **DENY** the request for jurisdiction.

**SPEAKERS:** Ken Potter, requestor; Irma Salinas, in support of request; and Steven Fields, project sponsor.

**APPEAL NO. V95-191**

(4) BRUCE S. MILIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 4, 1995,
[of Parking Variance (legalize
[an existing ground floor bed-
[room and full bathroom and
[allow for installation of a
[kitchen so that these rooms
[could operate independently
[as a second unit in the exist-
[ing single-family dwelling)
[at 255 Jersey Street.
[VARIANCE CASE NO. 95.417V.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 3-2 (Vice President Schwartz and Commissioner McInerney dissented) to overrule the Zoning Administrator and grant the variance. Four votes are needed and the motion failed. The denial is **UPHELD**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Bruce Milin and Zoe Grusky, appellants; Jerry Klein, agent for appellants; Ron Olsen, Eleanor Gearhardt (read statement from Yvonne Ward), Robert Antolak (read statement from Rita Kossuth), Irene Kossuth (read statement from Kathy Simon), Paul Kempis, Peggy Lenowicz, in support of the department; and Dean Farwood, in support of the appellants.

**The Board recessed from 7:34 to 7:45 p.m.**

**APPEAL NO. 96-012**

(5) STANLEY G. HILTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Suspension on February 9, 1996, [by the Department of Building [Inspection of permit to Alter [a Building at 3589 - 21st Street [for the reason that a lack of [clear permit history does not [reveal that the subject building [was ever converted with a building [permit from its original construc- [tion in about 1885 to a two-family [dwelling.
[APPLICATION NO. 9518833.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with findings by Commissioner McInerney.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; John Mendelson and Chloe Heimbach, in support of department; Stanley Hilton, appellant; and Richard Johns, attorney for appellant.

**APPEAL NO. 96-008**

(6) JOSEPHINE Y. LEUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January [20, 1996, to Donald and Twila [Parker, permit to Alter a [Building (construct 7' rear [deck, handicapped bathroom and [bedroom at the ground floor) [at 2066 - 36th Avenue.
[APPLICATION NO. 9515861.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Glen Leung, for appellant; Twila and Donald Parker, permit holders; and Dorothy Johnson, in support of permit holder.

**APPEAL NO. 96-010**

(7) JOHN HERRELL, Appellant
vs.
ZONING ADMINSITRATOR, Respondent

[Appeal of Zoning Administrator's [determination dated January 30, [1996 that he cannot require reten- [tion of off-street parking spaces [on Lot 7 of Assessor's Block 1745 [(1241 - 5th Avenue) for use by [occupants of the apartment building [on Lot 8 (408 - 418 Hugo Street) [for the reason that these spaces [were created without a building [permit and are in probable vio- [lation of the Planning Code. [FOR HEARING TODAY.

**ACTION:** The court reporter swore in those who arrived after the first swearing in. Upon a request by Ms. Hestor, and after discussion, upon motion by Commisioner McInerney, the Board voted 5-0 to **GRANT** jurisdiction over the January 30, 1995 Zoning Administrator determination. Then after testimony, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the Zoning Administrator.

**SPEAKERS:** Sue Hestor, attorney for appellant; John Herrell, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley and James Byrne, attorneys for permit holder, Tom McGrath; Robert Amore, property manager for permit holder; and Judith Boyajian, Deputy City Attorney.

**The Board recessed from 9:32 to 9:44 p.m.**

**APPEAL NO. 96-011**

(8) RAYMOND S. BREGANTE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation dated January 30, [1996 by the Zoning Administrator [that garment manufacturing is [not a permitted use under the [Planning Code at 134 Golden Gate [Avenue which is zoned RC-4 (Resi- [dential-Commercial Combined-High [Density) and is in the North of [Market Residential Special Use [District. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Zoning Administrator with findings and allow manufacturing use on the premises of 134 Golden Gate Avenue as a non-conforming use.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Ray Bregante, appellant; Mark Kaplan, real estate broker for the property; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**APPEAL NO. V95-196**

(9) MA ESTATES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on November
[22, 1995, to Robert and Beatrice
[Wood, Rear Yard and Front Setback
[Variances (to install a three-car
[garage and to repair a dilapidated
[patio at the rear of an existing
[three story over basement, single-
[family dwelling) for property
[at 2099 Pacific Avenue.
[VARIANCE CASE NO. 95.547V.
[FOR HEARING TODAY.

**ACTION:** **WITHDRAWN** by letter prior to meeting.

**APPEAL NO. V96-002**

(10) ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on December
[22, 1995, to Ma Estates, Rear
[Yard Variance (construct swimming
[pool enclosure and deck at rear-
[most of the lot adjacent to the
[existing rear cottage) at 2090
[Jackson Street.
[VARIANCE CASE NO. 95.009V.
[FOR HEARING TODAY.

**ACTION:** **WITHDRAWN** by letter prior to meeting.

There being no further business, President Hu adjourned the meeting at 10:02 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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# MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, MARCH 20, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**APPEAL NO. 96-014**

(3) NAZAN SHAFIZADEH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 22, 1996, for work
[done at 1135 Monterey Blvd.
[APPLICATION NO. 9519993.
[FOR HEARING TODAY.

**APPEAL NO. 96-019**

(4) CHAUNG P. KUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 4, 1996, for work
[done at 508 Madrid Street.
[APPLICATION NO. 9513045.
[FOR HEARING TODAY.

**APPEAL NO. 96-016**

(5) TRACY KIRKHAM & JOSEF COOPER,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on February
[8, 1996, to Nathan and Nan Roth,
[permit to Alter a Building
[(replace siding on garage
[damaged by demolition next door
[and add fire-rated sheetrock,
[waterproofing, exterior siding
[and flashing as needed; similar
[repairs to sundeck attached to
[house) at 1436 Kearny Street.
[APPLICATION NO. 9602158.
[FOR HEARING TODAY.

**APPEAL NO. 96-018**

(6) DAVID MILAZZO & MARILYN WILDER,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[14, 1996, to Marilyn L. Oberti,
[permit to Alter a Building
[(remove sectional overhead garage
[door at restaurant) at 3998 Cesar
[Chavez Street.
[APPLICATION NO. 9600522.
[FOR HEARING TODAY.

**APPEAL NO. V96-015**

(7) HOLLINSHEAD & ANN KNIGHT, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 13, 1996, of
[Rear Yard Variance (enclose and
[convert to a greenhouse a 140
[s.f. area on the second floor
[deck of the three-story over
[garage, two unit building) at
[1232 - 1234 Chestnut Street.
[VARIANCE CASE NO. 95.669V.
[FOR HEARING TODAY.

Date posted: March 14, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
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**DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899**

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CITY AND COUNTY OF SAN FRANCISCO
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3/20/96

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, MARCH 20, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

**APPEAL NO. 96-014**

(3) NAZAN SHAFIZADEH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 22, 1996, for work
[done at 1135 Monterey Blvd.
[APPLICATION NO. 9519993.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to three times the regular fee of $378.30 for a total of $1,134.90.

SPEAKERS: Nazan Shafizadeh, appellant; and Joan McQuarrie, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 96-019

(4) CHAUNG P. KUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 4, 1996, for work
[done at 508 Madrid Street.
[APPLICATION NO. 9513045.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to three times the regular fee. The Department of Building Inspection will recalculate a reduced fee.

SPEAKERS: Chaung Kung, appellant; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**The Board recessed from 6:05 to 6:18 p.m. and Commissioner Salgado arrived at 6:18 p.m. The court reporter swore in those who arrived after the first swearing in.**

APPEAL NO. 96-016

(5) TRACY KIRKHAM & JOSEF COOPER,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on February
[8, 1996, to Nathan and Nan Roth,
[permit to Alter a Building
[(replace siding on garage
[damaged by demolition next door
[and add fire-rated sheetrock,
[waterproofing, exterior siding
[and flashing as needed; similar
[repairs to sundeck attached to
[house) at 1436 Kearny Street.
[APPLICATION NO. 9602158.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to UPHOLD the department and GRANT the permit with CONDITIONS: if dry rot is discovered, a separate permit is needed; if drainage is needed a plumbing permit is needed; for any work done on house, obtain a separate permit. If work is needed beyond the scope of any permit, the permit holder or an agent will contact the District Building Inspector to determine if any additional permit is needed.

SPEAKERS: Robert McCarthy, attorney for appellants; Nan Roth, permit holder; Roger Boyer, architect for permit holders; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

**Item 6 was taken after Item 4 and before Commissioner Salgado arrived.**

**APPEAL NO. 96-018**

(6) DAVID MILAZZO & MARILYN WILDER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February [14, 1996, to Marilyn L. Oberti, [permit to Alter a Building [(remove sectional overhead garage [door at restaurant) at 3998 Cesar [Chavez Street. [APPLICATION NO. 9600522. [FOR HEARING TODAY.

**ACTION:** The Executive Director announced that Al Sanchez, agent for the permit holder, had telephoned and said the permit was being abandoned. After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department and **DISAPPROVE** the permit.

**SPEAKER:** Claire Pilcher, attorney for appellants. Neither permit holder nor her agent appeared.

**APPEAL NO. V96-015**

(7) HOLLINSHEAD & ANN KNIGHT, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 13, 1996, of [Rear Yard Variance (enclose and [convert to a greenhouse a 140 [s.f. area on the second floor [deck of the three-story over [garage, two unit building) at [1232 - 1234 Chestnut Street. [VARIANCE CASE NO. 95.669V. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **UPHOLD** the Zoning Administrator and **DENY** the variance.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Claire Pilcher, attorney for appellants; Hollinshead and Ann Knight, appellants; Glen Jarvis, architect for appellants; F. Joseph Butler, John Sullivan, Judith MacMillan, in support of the Zoning Administrator; and David Parry and Donald Sambucci, in support of appellants.

There being no further business, President Hu adjourned the meeting at 7:46 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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# MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, MARCH 27, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from James S. Glowner, requesting that the Board take jurisdiction over deletion of a mobile caterer stop at 1 Post Street by the Police Department.

| | |
|---|---|
| Date of decision | February 28, 1996 |
| Appeal period ended | March 14, 1996 |
| Request for jurisdiction | March 18, 1996 |

**APPEAL NO. 96-020**

(4) EMERIC KALMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL
RECREATION/PARK COMMISSION APPROVAL

[Protesting issuance on February
[23, 1996, to City and County of
[San Francisco, permit to Demolish
[a Building (sewage treatment plant)
[at 4800 Lincoln Way in Golden
[Gate Park.
[APPLICATION NO. 9602114.
[FOR HEARING TODAY.

**APPEAL NO. 95-186**

(5) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR FURTHER HEARING TODAY.

**APPEAL NO. 95-167**

(6) JAMES SANGIACOMO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on November 13, 1995,
[of permit to Alter a Building
[(raise existing roof line) at
[44 Edgehill Way.
[APPLICATION NO. 9517655.
[FOR HEARING TODAY.

**APPEAL NO. 96-022**

(7) ROGER D. MILES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 12, 1996,
[of permit to Alter a Building
[(convert the legal use from
[20 to 22 units) at 59 Lupine
[Avenue.
[APPLICATION NO. 9416483S.
[FOR HEARING TODAY.

**APPEAL NO. 96-021**

(8) DAVID G. COUR, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEARTMENT APPROVAL

[Protesting issuance on February
[26, 1996, to James Sagin, permit
[to Erect a Building (33 residential
[condominiums) at 1444 Green Street.
[APPLICATION NO. 9214626S.
[FOR HEARING TODAY.

Date posted: March 21, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, MARCH 27, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** Thomas Steel and Walter Wong requested that the Board amend the conditions regarding signage and handing out fliers for their client, Solid Gold at 650 Howard Street which is involved in negotiation of a settlement of litigation with the City.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 5-0 to schedule an Executive Session for **April 17, 1996** at **5:00 p.m.** to discuss the matter with the City Attorney's deputy handling the case.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

**ITEM A:** Letter from James S. Glowner, requesting that the Board take jurisdiction over deletion of a mobile caterer stop at 1 Post Street by the Police Department.

| | |
|---|---|
| Date of decision | February 28, 1996 |
| Appeal period ended | March 14, 1996 |
| Request for jurisdiction | March 18, 1996 |

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **GRANT** jurisdiction. Mr. Glowner has fifteen days to file an appeal.

**SPEAKERS:** James Glowner, requestor; and Lieutenant Bruce Lorin, S.F.P.D. Permit Bureau.

**APPEAL NO. 96-020**

(4) EMERIC KALMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL
RECREATION/PARK COMMISSION APPROVAL

[Protesting issuance on February
[23, 1996, to City and County of
[San Francisco, permit to Demolish
[a Building (sewage treatment plant)
[at 4800 Lincoln Way in Golden
[Gate Park.
[APPLICATION NO. 9602114.
[FOR HEARING TODAY.

The Executive Director polled the Board on whether each had reviewed and considered the environmental review materials for the project. The five Commissioners each answered "aye" when polled.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with findings by President Hu.

**SPEAKERS:** Emeric Kalman, appellant; Jean Girardo, in support of appellant; Deborah Learner, Recreation and Park Department; James Chia, Department of Public Works; John Crawford, contractor for permit holder; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

**Item 5 was taken last on the calendar after Item 8 to allow time for the parties to reach a settlement.**

**APPEAL NO. 95-186**

(5) ZELKO & RENEE SIMONI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1995, to Gene Lam, permit
[to Erect a Building (single-family
[dwelling) at 15 Graystone Terrace.
[APPLICATION NO. 9507214S.
[FOR FURTHER HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with revised plans as submitted and agreed to by parties.

**SPEAKERS:** Sue Hestor, attorney for appellants; Brett Gladstone, attorney for permit holder; Arnold Lerner, architect for appellants; Jay Adjari, opposed to the project; and Robert Passmore, Zoning Administrator for the Planning Department.

**APPEAL NO. 95-167**

(6) JAMES SANGIACOMO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on November 13, 1995,
[of permit to Alter a Building
[(raise existing roof line) at
[44 Edgehill Way.
[APPLICATION NO. 9517655.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 3-2 (Commissioners Cullum and Salgado dissented) to overrule the department and grant the permit. Four votes are needed and the motion failed. The denial is **UPHELD**.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Kathy Darby, Howard Strassner and Bud Wilson, in support of the department; Bill Holland, architect for appellant; Clara Giannini, Jerri Sangiacomo and Barry Kane, in support of the appellant; James Sangiacomo, appellant; and Judith Boyajian, Deputy City Attorney.

**APPEAL NO. 96-022**

(7) ROGER D. MILES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 12, 1996,
[of permit to Alter a Building
[(convert the legal use from
[20 to 22 units) at 59 Lupine
[Avenue.
[APPLICATION NO. 9416483S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by President Hu, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings by Commissioner Cullum.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; William Abend, architect for appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

**The Board recessed from 7:25 to 7:40 p.m.**

**APPEAL NO. 96-021**

(8) DAVID G. COUR, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEARTMENT APPROVAL

[Protesting issuance on February
[26, 1996, to James Sagin, permit
[to Erect a Building (33 residential
[condominiums) at 1444 Green Street.
[APPLICATION NO. 9214626S.
[FOR HEARING TODAY.

The Executive Director polled the Board on whether each had reviewed and considered the environmental review materials for the project. The five Commissioners each answered "aye" when polled.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** David Cour, M. Candace Hamilton and Richard Weiss, appellants; Milt Ede-Edelin, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; and Harry O'Brien, attorney for permit holder.

There being no further business, President Hu adjourned the meeting at 9:19 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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# *SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, APRIL 17, 1996

## 5:00 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **EXECUTIVE SESSION** (closed to public):

At the request of the City Attorney the Board will convene in executive session to discuss the litigation below pursuant to Government Code Section 54956.9(a)(1).

Elizabeth Furnelli, dba Solid Gold, Inc. vs. CCSF, et al.
U.S. District Court, N.D. of California
No. C-95-3517SAW
Appeal No. 95-120
650 Howard Street

Upon completion of the closed session, the Board will reconvene the regular meeting and report on any action taken in closed session and to elect to disclose or not to disclose the information discussed.

Adjournment.

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# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, APRIL 17, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

**REQUEST FOR JURISDICTION**:

**ITEM A**: Letter from Charles Princeton of Limousine 2000, requesting that the Board take jurisidiction over termination of Agreement No. 94-0172 by the Airports Commission for operation of a limousine service.

**REQUEST FOR REHEARING**:

**ITEM B**: Letter from Sue Hestor, attorney for John and Connie Herrell, appellants, requesting rehearing of Appeal No. 96-010, 1241 - 5th Avenue. Hearing March 13, 1996. Upon a request by Ms. Hestor, and after discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** jurisidiction over the January 30, 1995 Zoning Administrator determination. Then after testimony, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the Zoning Administrator.

**APPEAL NO. 95-194**

(4) MICHAEL O'CONNOR, dba "JUSTICE LEAGUE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 5, 1995, of
[Place of Entertainment permit
[at 628 Divisadero Street.
[FOR REHEARING TODAY.

**APPEAL NO. 96-023**

(5) MIRIAM MALDONADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 29, 1996,
[of permit to Alter a Building
[(legalize existing in-law apart-
[ment; install new kitchen cabinets
[and new bathroom fixtures; repair
[walls and ceiling by placing
[new overlay of ½" gypsum board)
[at 60 Vienna Street.
[APPLICATION NO. 9514150S.
[FOR HEARING TODAY.

**APPEAL NO. 96-006**

(6) MICHAEL TATUM & MATTHEW LEFFERS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated January 10,
[1996 by the Zoning Administrator
[that the former use of the property
[at 650-656 Fourth Street as a
[tourist hotel is considered discon-
[tinued or abandoned under Section
[183 of the Planning Code and that
[restoration of tourist hotel use
[would not be permitted under SSO
[zoning and the nonconforming use
[provisions of the Planning Code.
[FOR HEARING TODAY.

Date posted: April 11, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, APRIL 17, 1996
## 5:00 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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**PRESENT**: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Judith Boyajian, Deputy City Attorney and Robert Feldman, Executive Director for the Board.

**Doris Levine, Official Court Reporter, swore in all those who intended to testify.**

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS**: Shirley Bierly, Jim West, Maxwell Myers, Anita Hill, John Buss, opposed to Solid Gold; Thomas Steel, attorney for Solid Gold; and Walter Wong, consultant for Solid Gold.

(2) **EXECUTIVE SESSION** (closed to public):

At the request of the City Attorney the Board convened in executive session to discuss the litigation below pursuant to Government Code Section 54956.9(a)(1).

Elizabeth Furnelli, dba Solid Gold, Inc. vs. CCSF, et al.
U.S. District Court, N.D. of California
No. C-95-3517SAW
Appeal No. 95-120
650 Howard Street

Deputy City Attorney Linda Ross represented the City Attorney.

Upon completion of the closed session, the Board reconvened the special meeting and, voted not to disclose the information discussed.

**President Hu adjourned the Special Meeting at 5:45 p.m. and immediately convened the regular meeting.**

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, APRIL 17, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKER:** President Hu announced he had received a letter by fax which requesting that the eight protests of demolitions at Hayes Valley North be rescheduled to May 1 and he requested staff to reschedule them if possible.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR JURISDICTION:**

**ITEM A:** Letter from Charles Princeton of Limousine 2000, requesting that the Board take jurisidiction over termination of Agreement No. 94-0172 by the Airports Commission for operation of a limousine service.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner Salgado dissented) to **DENY** the request for jurisdiction.

SPEAKERS: Charles Princeton, Alan Tienturier, V. Marie Davis, Gino El-Bakri, and Hasan El-Banna of Limousine 2000; Arlo Smith, attorney for Limousine 2000; Eddie Angeles, attorney for Airports Commission; and Judith Boyajian, Deputy City Attorney.

REQUEST FOR REHEARING:

ITEM B: Letter from Sue Hestor, attorney for John and Connie Herrell, appellants, requesting rehearing of Appeal No. 96-010, 1241 - 5th Avenue. Hearing March 13, 1996. Upon a request by Ms. Hestor, and after discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** jurisidiction over the January 30, 1995 Zoning Administrator determination. Then after testimony, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the Zoning Administrator.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 1-4 (President Hu, Vice President Schwartz, Commissioners McInerney and Salgado dissented) to continue consideration to **May 15, 1996.** Three votes are needed and the motion failed. The request for continuance is **DENIED**. Then upon motion by Commissioner Cullum, the Board voted 1-4 (President Hu, Vice President Schwartz, Commissioners McInerney and Salgado dissented) to grant rehearing. Four votes are needed and the motion failed. The request for rehearing is **DENIED**.

SPEAKERS: Sue Hestor, attorney for appellants; Alice Barkley, attorney for permit holder; and Robert Amore, property manager for permit holder.

APPEAL NO. 95-194

| | | |
|---|---|---|
| (4) | MICHAEL O'CONNOR, dba "JUSTICE LEAGUE", Appellant<br>vs.<br>POLICE DEPARTMENT, Respondent | [Denial on December 5, 1995, of<br>[Place of Entertainment permit<br>[at 628 Divisadero Street.<br>[FOR REHEARING TODAY. |

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with an amended stipulated agreement.

SPEAKERS: Sergeants William Coggan and Mark Porto, S.F.P.D.; Judith Boyajian, Deputy City Attorney; Michael Proctor, attorney for appellant; Bishop James Adams, Gary Banks, Kathryn Carr, Mary Carr, Onie Washington, Edward Zilch, Susan Alston, Jo Hopkins, Alicia Adams, Nina Norstrop, Richard Goldberg, Jim Gunderson, Olga Banks, Keith Thompson, and Joe Allen, in support of department; Michael O'Connor, appellant; Jerome Matthews, Bob Mason, Steven Prinkle, Gary Strain, Aaron Vaughn, David Boyce, Robert Edwards, Hersh Berry, Anthony Pagone, Sauer Sew, Antoine Bouru, Anthony Bryant, Israel Megerssa, and Kathy White, in support of appellant.

**The Board recessed from 8:10 to 8:25 p.m.**

**APPEAL NO. 96-023**

(5) MIRIAM MALDONADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 29, 1996,
[of permit to Alter a Building
[(legalize existing in-law apart-
[ment; install new kitchen cabinets
[and new bathroom fixtures; repair
[walls and ceiling by placing
[new overlay of ½" gypsum board)
[at 60 Vienna Street.
[APPLICATION NO. 9514150S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **CONTINUE** the matter to **April 16, 1997** to allow time for legislation to be enacted that would provide a process of legalization of illegal units in RH-1 districts.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Jaimie Maldonado for Miriam Maldonado, appellant; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**APPEAL NO. 96-006**

(6) MICHAEL TATUM & MATTHEW LEFFERS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated January 10,
[1996 by the Zoning Administrator
[that the former use of the property
[at 650-656 Fourth Street as a
[tourist hotel is considered discon-
[tinued or abandoned under Section
[183 of the Planning Code and that
[restoration of tourist hotel use
[would not be permitted under SSO
[zoning and the nonconforming use
[provisions of the Planning Code.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the property to be used as a tourist hotel. Four votes are needed to overrule. The motion fails and the Zoning Administrator is **UPHELD**.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Matthew Leffers and Michael Tatum, appellants; Carylon Tyler, architect for appellants; and Robert Formichi, in support of appellants.

There being no further business, President Hu adjourned the meeting at 9:25 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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Attn: Jerry Roth
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5/1/96

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# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, MAY 1, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**APPEAL NO. 95-003**

(3) CLAUDE LAMBERT & MICHELINE LAMBERT, Appellants
vs.
DEPT. OF PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL

[Denial on December 30, 1994, by
[the Bureau of Building Inspec-
[tion of a hotel conversion
[application for failure to
[meet requirement of the Hotel
[Conversion Ordinance Section
[41.13(d) necessary to allow
[conversion of the Cornell Hotel
[at 715 Bush Street to full
[tourist use.
[FOR CONSIDERATION TODAY.
[TO SET ASIDE BOARD'S DECISION
[OF MAY 3, 1995 AND TO ENTER A
[NEW DECISION OVERRULING THE DEPT.
[OF BLDG. INSPECTION'S ORDER OF
[DENIAL AND GRANTING THE PERMIT
[TO CONVERT SEVEN ROOMS FROM RESI-
[DENTIAL TO TOURIST USE AS REQUIRED
[BY THE PEREMPTORY WRIT OF MANDAMUS
[ISSUED BY THE SUPERIOR COURT
[JANUARY 26, 1996.
[CASE NO. 971 227.

**APPEAL NOS. 96-033 through 96-040**

(4) L. JAMIE JAMERSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 29,
[1996, to Housing Authority of
[City & County of San Francisco,
[permit to Demolish Buildings at
[665A-685C Buchanan Street,
[APPLICATION NO. 9602966; 701A-723C
[Hayes Street, APPLICATION NO.
[9602971; 727A-749C Hayes Street,
[APPLICATION NO. 9602970; 660A-678C
[Fell Street; APPLICATION NO.
[9602969; 751A-779C Hayes Street,
[APPLICATION NO. 9602968; 781B-795C
[Hayes Street, APPLICATION NO.
[9602967; 640A-658C Fell Street,
[APPLICATION NO. 9602965; and
[680-698C Fell Street, APPLICATION
[NO. 9602964.
[FOR HEARING TODAY.

**APPEAL NO. 96-028**

(5) ROBERT D. NACHTIGALL, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 29,
[1996, to Elvira Nishkian, permit
[to Erect a Building (three-story
[single family dwelling) at
[140 Palo Alto Avenue.
[APPLICATION NO. 9306140S.
[FOR HEARING TODAY.

**APPEAL NO. 96-030**

(6) ANTHONY D. LYONS & LARK E. BERRY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 27, [1996, to Neal and Margaret Ruxton, [permit to Alter a Building (remodel [units 6 and 7 on fourth level; [build new one-hour wall and [exterior door to close off open [stairwell; remove entry doors [to units on fourth level; open [wall between units in utility [area; remodel kitchen for laundry [use) at 1370 Washington Street. [APPLICATION NO. 9601562. [FOR HEARING TODAY.

**APPEAL NO. 96-032**

(7) IVAN GUBLER & GREGOR FREUND, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 26, [1996, to Marcia Smythe, site [permit to Erect a Building (three-[story single-family dwelling) [at 60 Lower Terrace. [APPLICATION NO. 9506089S. [FOR HEARING TODAY.

Date posted: April 25, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

### PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

### SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

### REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

### ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE

# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, MAY 1, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**ABSENT:** Commissioner Carole Cullum.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

**APPEAL NO. 95-003**

(3) CLAUDE LAMBERT & MICHELINE LAMBERT, Appellants
vs.
DEPT. OF PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL

[Denial on December 30, 1994, by
[the Bureau of Building Inspec-
[tion of a hotel conversion
[application for failure to
[meet requirement of the Hotel
[Conversion Ordinance Section
[41.13(d) necessary to allow
[conversion of the Cornell Hotel
[at 715 Bush Street to full
[tourist use.
[FOR CONSIDERATION TODAY.
[TO SET ASIDE BOARD'S DECISION
[OF MAY 3, 1995 AND TO ENTER A
[NEW DECISION OVERRULING THE DEPT.
[OF BLDG. INSPECTION'S ORDER OF
[DENIAL AND GRANTING THE PERMIT
[TO CONVERT SEVEN ROOMS FROM RESI-
[DENTIAL TO TOURIST USE AS REQUIRED
[BY THE PEREMPTORY WRIT OF MANDAMUS
[ISSUED BY THE SUPERIOR COURT
[JANUARY 26, 1996.
[CASE NO. 971 227

**ACTION:** Upon motion by Commissioner Schwartz, the Board voted 4-0 to **SET ASIDE** the Board's decision of May 3, 1995 and **OVERRULE** the department and **GRANT** the permit to convert seven rooms from residential to tourist use as required by the peremtory writ of mandamus.

**APPEAL NOS. 96-033 through 96-040**

(4) L. JAMIE JAMERSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 29, [1996, to Housing Authority of [City & County of San Francisco, [permit to Demolish Buildings at [665A-685C Buchanan Street, [APPLICATION NO. 9602966; 701A-723C [Hayes Street, APPLICATION NO. [9602971; 727A-749C Hayes Street, [APPLICATION NO. 9602970; 660A-678C [Fell Street; APPLICATION NO. [9602969; 751A-779C Hayes Street, [APPLICATION NO. 9602968; 781B-795C [Hayes Street, APPLICATION NO. [9602967; 640A-658C Fell Street, [APPLICATION NO. 9602965; and [680-698C Fell Street, APPLICATION [NO. 9602964. [FOR HEARING TODAY.

The Executive Director polled the Board on whether each had reviewed and considered the negative declaration for the project. The four Commissioners each answered "aye" when polled.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented) to continue the matter for one month for a report on relocation from the Housing Authority. Four votes are needed and the motion fails. Then upon motion by Vice President Schwartz, the Board voted 3-1 to **UPHOLD** the department and **GRANT** the permits.

**SPEAKERS:** Lafayette Jamerson, appellant; Judith Boyajian, Deputy City Attorney; Peter Berg, Karen Huggins, Chester Meadows, Juan Dimagio, John Wright, Dimitri Tyler, Louise Bond, Ame Patton, Tena Meneffe, Kay Griffin, Pete Samson, Constance Kurus, Judith McCulloch, Charles Jamerson, Jeremy Graham, James Trace, Robert Mason, Jeffrey Brown, Malik Rahim, Doctor Icky in support of appellant; Joanne Insky, Fran DeNotto, Barbara Wenger in support of the permit holder; Tony Salazar, permit holder; John Gresl for the Housing Authority and Marie Swanson in support of the Housing Authority.

**The Board recessed from 7:50 to 8:05 and 9:14 to 9:25 p.m.**

**APPEAL NO. 96-028**

(5) ROBERT D. NACHTIGALL, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 29, [1996, to Elvira Nishkian, permit [to Erect a Building (three-story [single family dwelling) at [140 Palo Alto Avenue. [APPLICATION NO. 9306140S. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Robert Nachtigall and Patricia Reynolds, appellants; Robert Passmore, Zoning Administrator for the Planning Department; Steven Swig, attorney for permit holder; Miriam Bernstein, in favor of the project; Steven Vettel, attorney for Beverly Gregory, a neutral party; Richard Hannum, architect for permit holder; and Elvira Nishkian, permit holder.

**APPEAL NO. 96-030**

(6) ANTHONY D. LYONS & LARK E. BERRY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 27, [1996, to Neal and Margaret Ruxton, [permit to Alter a Building (remodel [units 6 and 7 on fourth level; [build new one-hour wall and [exterior door to close off open [stairwell; remove entry doors [to units on fourth level; open [wall between units in utility [area; remodel kitchen for laundry [use) at 1370 Washington Street. [APPLICATION NO. 9601562. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holders pay actual moving expenses up to $1,500 for relocation to each of the appellants.

**SPEAKERS:** Anthony Lyons and Lark Berry, appellants; Margaret and Neal Ruxton, permit holder; Jeremy Paul, consultant for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

**The Board recessed from 10:35 to 10:39 p.m.**

**APPEAL NO. 96-032**

(7) IVAN GUBLER & GREGOR FREUND, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 26, [1996, to Marcia Smythe, site [permit to Erect a Building (three- [story single-family dwelling) [at 60 Lower Terrace. [APPLICATION NO. 9506089S. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Ivan Gubler and Gregor Freund, appellants; Lucia Bogatay, Bob Herman, Jim Beckett, Quint Follmer, Bill Cooper, Elizabeth Lara, in support of the appellants; Robert Passmore, Zoning Administrator for the Planning Department; and Alice Barkley, attorney for permit holder.

There being no further business, President Hu adjourned the meeting at 11:23 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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5/15/96

# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, MAY 15, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR CLARIFICATION**: Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125 and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection.

**APPEAL NO. 95-013**

(4) S.F. BEAUTIFUL, THE WESTIN ST. FRANCIS HOTEL, et al., Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[RESOLUTION 288-95 (SIGNED BY MAYOR
[APRIL 28, 1995) PROHIBITS APPROVAL
[OF ROOFTOP BILLBOARDS NEAR UNION
[SQUARE FOR ONE YEAR, WITH CERTAIN
[EXCEPTIONS. PROHIBITION EXPIRES
[MAY 28, 1996.
[APPLICATION NO. 9415698.
[FOR FURTHER HEARING TODAY.

**APPEAL NO. 95-012**

(5) S.F. BEAUTIFUL, FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, S.F. TOMORROW, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting reissuance on
[January 17, 1995, to Louis F.
[Snyder, permit to Erect a
[Sign (rooftop Sony Videotron)
[at 216 Stockton Street.
[RESOLUTION 288-95 (SIGNED BY MAYOR
[APRIL 28, 1995) PROHIBITS APPROVAL
[OF ROOFTOP BILLBOARDS NEAR UNION
[SQUARE FOR ONE YEAR, WITH CERTAIN
[EXCEPTIONS. PROHIBITION EXPIRES
[MAY 28, 1996.
[APPLICATION NO. 9413943.
[FOR REHEARING TODAY.

**APPEAL NO. 95-095**

(6) JIM LIGHTSEY, Appellant
vs.
FIRE DEPARTMENT, Respondent

[Protesting issuance on June
[21, 1995, to Mission Vocational
[& Language School, Public Assembly
[permit (dining: 595 persons,
[dancing: 1,000 persons) at
[2929 - 19th Street.
[PERMIT NO. 951557.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

**APPEAL NO. 96-041**

(7A) KELLY ELLIS, GILBERT KLIMAN, JOHN SHAECHER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3, [1996, to Al Clifford, permit to [Demolish a Building (commercial) [at 2050 Divisadero Street. [APPLICATION NO. 9516129. [FOR HEARING TODAY.

**APPEAL NO. 96-042**

(7B) KELLY ELLIS, GILBERT KLIMAN, JOHN SHAECHER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3, [1996, to Al Clifford, permit to [Erect a Building (four stories, [three units) at 2050 Divisadero [Street. [APPLICATION NO. 9516128. [FOR HEARING TODAY.

**APPEAL NO. V96-031**

(8) JEREMY PAUL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Conditions 1 and 2 of [Lot Size and Rear Yard Variance [(subdivide lot into two) granted [for property at 594-598 Vermont [Street. Conditions prohibit use [of the property for commercial [purposes and allow use as two [residential units in corner [building. [VARIANCE CASE NO. 96.051V. [FOR HEARING TODAY.

Date posted: May 9, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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5/15/96

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, MAY 15, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** Patricia Vaughey gave narrative of the Muni operator restroom cases that were administratively withdrawn due to lack of a valid building permits and warned the Board it would be at fault if someone is hurt or killed behind the restroom on Lyon Street because it is dark in the space between it and the Presidio wall.

Sue Hestor discussed the site permit issued for 2185 Market Street and the errors made by the Department of Building Inspection in approving plans that do not comply with the Building Code for exits and revisions that enlarged the building envelope.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** Commissioner McInerney requested of the staff that short matters be calendared before longer ones, that sign-up sheets be provided for major matters and that the Board enforce the rule against accepting written materials at hearings.

Vice President Schwartz reinterated that the Board should not accept written materials at hearings because it is a disservice to the public, dividing Commissioners' attention between reading and listening to testimony.

President Hu directed the Executive Director to look at ways to streamline the Board's procedures.

(3) **REQUEST FOR CLARIFICATION:** Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125 and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **CONTINUE** the matter to **May 29, 1996** for review of the record. President Hu said that no more testimony would be taken.

**SPEAKERS:** James Hutchinson, Building Inspection Commission; Robert Passmore, Zoning Administrator for the Planning Department; Sue Hestor, attorney for appellants; Andrew Zacks, attorney for permit holders; Peter Bogatsky, permit holder; Joe O'Donoghue, in support of appellants; and Judith Boyajian, Deputy City Attorney.

**APPEAL NO. 95-013**

(4) S.F. BEAUTIFUL, THE WESTIN ST. FRANCIS HOTEL, et al., Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[RESOLUTION 373-96 (SIGNED BY MAYOR
[MAY 8, 1996) PROHIBITS APPROVAL
[OF ROOFTOP BILLBOARDS NEAR UNION
[SQUARE FOR ONE YEAR, WITH CERTAIN
[EXCEPTIONS. PROHIBITION EXPIRES
[MAY 28, 1997.
[APPLICATION NO. 9415698.
[FOR FURTHER HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **May 21, 1997** due to the interim controls prohibiting rooftop signs in the Union Square area.

**APPEAL NO. 95-012**

(5) S.F. BEAUTIFUL, FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, S.F. TOMORROW, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting reissuance on
[January 17, 1995, to Louis F.
[Snyder, permit to Erect a
[Sign (rooftop Sony Videotron)
[at 216 Stockton Street.
[RESOLUTION 373-96 (SIGNED BY MAYOR
[MAY 8, 1996) PROHIBITS APPROVAL
[OF ROOFTOP BILLBOARDS NEAR UNION
[SQUARE FOR ONE YEAR, WITH CERTAIN
[EXCEPTIONS. PROHIBITION EXPIRES
[MAY 28, 1997.
[APPLICATION NO. 9413943.
[FOR REHEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **May 21, 1997** due to the interim controls prohibiting rooftop signs in the Union Square area.

**APPEAL NO. 95-095**

(6) JIM LIGHTSEY, Appellant
vs.
FIRE DEPARTMENT, Respondent

[Protesting issuance on June
[21, 1995, to Mission Vocational
[& Language School, Public Assembly
[permit (dining: 595 persons,
[dancing: 1,000 persons) at
[2929 - 19th Street.
[PERMIT NO. 951557.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with findings by Commissioner Cullum and the following **CONDITIONS:** (1) Music levels within the premises shall be controlled so that exterior noise levels conform with the requirements of the S.F. Police Code. (2) A schedule of the date and time of each such event will be be provided to the 728 Alabama Street Homeowners Association at least one week in advance. (3) Security must be employed by the operator. (4) No in-and-out privileges for patrons. (5) No windows or doors (other than the main first floor entrance/exit door) may be open during events or rehearsals. (6) Liquor sales must cease by 1:45 a.m.

**SPEAKERS:** Jim Lightsey, appellant; Judith Boyajian, Deputy City Attorney; Toni King, in support of appellant; Hector Chinchilla, pro bono attorney for permit holder; Rosario Anaya, Roberto Alba and Eduardo Lopez for MLVS; and Robert Passmore, Zoning Administrator for the Planning Department.

**The Board recessed from 7:30 to 7:47 p.m.**

**Items (7A) and (7B) were heard together**

**APPEAL NO. 96-041**

(7A) KELLY ELLIS, GILBERT KLIMAN,
JOHN SHAECHER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3,
[1996, to Al Clifford, permit to
[Demolish a Building (commercial)
[at 2050 Divisadero Street.
[APPLICATION NO. 9516129.
[FOR HEARING TODAY.

**APPEAL NO. 96-042**

(7B) KELLY ELLIS, GILBERT KLIMAN,
JOHN SHAECHER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 3,
[1996, to Al Clifford, permit to
[Erect a Building (four stories,
[three units) at 2050 Divisadero
[Street.
[APPLICATION NO. 9516128.
[FOR HEARING TODAY.

**ACTION:** After discussion upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the demolition permit. Then upon motion by Commissioner McInerney, the Board voted 3-2 (Commissioners Cullum and Salgado dissented) to uphold with no conditions. Then upon a substitute motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the building permit with the **CONDITIONS** that the plans shall be revised to show railings on three sides of the rear deck to be open, and the height of the last nine feet of the rear deck shall be lowered to nine feet above grade.

**SPEAKERS:** Sue Hestor, attorney for appellants; Gilbert Kliman and John Shaecher, appellants; David Tutor, Ian Berke, Richard Ng, Harriet Wolf, Rebecca Daly, opposed to the project; Arnold Lerner, architect for neighbors; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; and Al Clifford, permit holder.

**APPEAL NO. V96-031**

(8) JEREMY PAUL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Conditions 1 and 2 of
[Lot Size and Rear Yard Variance
[(subdivide lot into two) granted
[for property at 594-598 Vermont
[Street. Conditions prohibit use
[of the property for commercial
[purposes and allow use as two
[residential units in corner
[building.
[VARIANCE CASE NO. 96.051V.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **DELETE** the Conditions 1 and 2 and allow the owner to use the ground floor space in the building for commercial purposes, including as a coffee shop.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Christopher Thompson and Darcy Provo, variance holders; Bob Bybee, Joe and Antoinette Rezak, Regina Plut, Ron Green, in support of variance holders; Graves Cretis, architect for variance holders; Jeremy Paul, agent for variance holders; George Vantages, Doug Baird, Vincent Palacios, Babette Drefke, in support of the Zoning Administrator; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

There being no further business, President Hu adjourned the meeting at 9:49 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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5/29/96

# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, MAY 29, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR CLARIFICATION**: Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125 and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection. (Testimony was taken at the meeting May 15, 1996 and consideration and decision were scheduled for may 29, 1996.)

(4) **REQUEST FOR REHEARING**: Letter from Ivan Gubler and Gregor Freund, appellants, requesting rehearing of Appeal No. 96-032, 60 Lower Terrace. Hearing May 1, 1996. Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Cullum absent) to **UPHOLD** the department and **GRANT** the permit.

**APPEAL NO. 96-024**

(5) JAMES S. GLOWNER, dba "VARNEY'S INC.", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Deletion on February 28, 1996, [of two daily mobile caterer [stops at 1 Post Street. [FOR HEARING TODAY.

**APPEAL NO. 96-013**

(6) GEORGE TU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [February 21, 1996, for work [done at 2654 - 40th Avenue. [APPLICATION NO. 9006047. [FOR HEARING TODAY.

**APPEAL NO. 96-045**

(7) MARIA R. PADILLA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [April 9, 1996, for work done [at 1225-1231 Portero Avenue. [APPLICATION NO. 9520106. [FOR HEARING TODAY.

**APPEAL NO. 96-029**

(8) GREGORY D. BATLIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on March 26, 1996 [by the Zoning Administrator that [a coffee cart outside the Tower [Records store at 2525 Jones Street, [at southwest corner of Columbus [Avenue, is not permitted in the [C-2 (Community Business) zoning [district under Planning Code Sec- [tion 212(a) since all uses in [this district must be conducted [within an enclosed building. [FOR HEARING TODAY.

**APPEAL NO. 96-047**

(9) CITIZEN REVIEW, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on April 19, 1996 [by the Zoning Administrator res- [cinding his determination letter [dated February 28, 1996 which [requested suspension of the [demolition and building permits [for the property at 667 Chenery [Street. This new determination [allows the suspension to be lifted [and work to proceed under any [and all permits, including Building [Permit Application No. 9513780, [for the partially completed [replacement building to contain [two dwelling units and three [commercial units.
[FOR HEARING TODAY.

**APPEAL NO. 96-050**

(10) FARZANEH SOHRABPOUR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated April 26, [1996, by the Zoning Administrator [that restaurant or bar uses are [not permitted in the presently [vacant ground floor commercial [space of 2263 Union Street, located [in the Union Street Neighborhood [Commercial Zoning District, and [that former use as accessory [take-out food up to 100 square [feet does not give property status [as a restaurant.
[FOR HEARING TODAY.

(11) **REQUEST FOR REHEARING:** Letter from L. Jamie Jamerson, appellant, requesting rehearing of Appeal Nos. 96-033 through 96-040, demolition of eight buildings at Hayes Valley North Public Housing. Hearing May 1, 1996. Upon motion by Commissioner Salgado the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented, Commissioner Cullum absent) to continue the matter for one month for report on relocation from the Housing Authority. Four votes are needed and the motion fails. Then upon motion by Vice President Schwartz, the Board voted 3-1 Commissioner Salgado dissented) to **UPHOLD** the department and **GRANT** the eight demolition permits.

(12) **AMENDMENTS TO THE RULES OF THE BOARD:** To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings at end of calendar and prohibition against submittal of written materials at hearing.

Date posted: May 23, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

### PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

### SPECIAL NOTES

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# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
# WEDNESDAY, MAY 29, 1996
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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **REQUEST FOR CLARIFICATION:** Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125 and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection. (Testimony was taken at the meeting May 15, 1996 and consideration and decision were scheduled for May 29, 1996.)

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **CONTINUE** to **June 5, 1996** for review of the transcript of the Board decision on December 6, 1995.

**SPEAKERS:** Katerina Bogatsky, permit holder; and Sue Hestor, attorney for appellants.

(4) **REQUEST FOR REHEARING:** Letter from Ivan Gubler and Gregor Freund, appellants, requesting rehearing of Appeal No. 96-032, 60 Lower Terrace. Hearing May 1, 1996. Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Cullum absent) to **UPHOLD** the department and **GRANT** the permit.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner Cullum dissented) to **DENY** the request for rehearing.

**SPEAKER:** Gregor Freund, appellant.

**APPEAL NO. 96-024**

(5) JAMES S. GLOWNER, dba "VARNEY'S INC.", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Deletion on February 28, 1996, of two daily mobile caterer stops at 1 Post Street. FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and allow the two stops. Four votes are needed to overrule a department and the motion fails and the department is **UPHELD**.

**SPEAKERS:** Officers Fred Crisp and Barbara Campagnoli, S.F.P.D., Dan Ater, in support of the department; Roberta Caravelli, neutral party; James Glowner, appellant; Patrick Dillman, Michael Smith, Bruce Feldhammer, in support of appellant; and Judith Boyajian, Deputy City Attorney.

**The Board recessed from 7:11 to 7:27 p.m.**

**APPEAL NO. 96-013**

(6) GEORGE TU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on February 21, 1996, for work done at 2654 - 40th Avenue. APPLICATION NO. 9006047. FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

**SPEAKERS:** George Tu, appellant; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

**APPEAL NO. 96-045**

(7) MARIA R. PADILLA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on April 9, 1996, for work done at 1225-1231 Portero Avenue. APPLICATION NO. 9520106. FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

**SPEAKERS:** Dimas Moncada, appellant's son; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

**APPEAL NO. 96-029**

(8) GREGORY D. BATLIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on March 26, 1996 [by the Zoning Administrator that [a coffee cart outside the Tower [Records store at 2525 Jones Street, [at southwest corner of Columbus [Avenue, is not permitted in the [C-2 (Community Business) zoning [district under Planning Code Sec- [tion 212(a) since all uses in [this district must be conducted [within an enclosed building. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the coffee cart outside of the store. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; and Greg Batlin, appellant and partner, Tim Bentley.

**APPEAL NO. 96-047**

(9) CITIZEN REVIEW, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on April 19, 1996 [by the Zoning Administrator res- [cinding his determination letter [dated February 28, 1996 which [requested suspension of the [demolition and building permits [for the property at 667 Chenery [Street. This new determination [allows the suspension to be lifted [and work to proceed under any [and all permits, including Building [Permit Application No. 9513780, [for the partially completed [replacement building to contain [two dwelling units and three [commercial units. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the Zoning Administrator.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; Roberta Caravelli, appellant; Valborg C. Tietz, in support of appellant.

**APPEAL NO. 96-050**

(10) FARZANEH SOHRABPOUR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated April 26, [1996, by the Zoning Administrator [that restaurant or bar uses are [not permitted in the presently [vacant ground floor commercial [space of 2263 Union Street, located [in the Union Street Neighborhood [Commercial Zoning District, and [that former use as accessory [take-out food up to 100 square [feet does not give property status [as a restaurant. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and not allow a restaurant on the site.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Farzaneh Sohrabpour, appellant; Lesley Leonhardt, Union Street Association and Puneh Sohrabpour, in support of appellant.

(11) **REQUEST FOR REHEARING:** Letter from L. Jamie Jamerson, appellant, requesting rehearing of Appeal Nos. 96-033 through 96-040, demolition of eight buildings at Hayes Valley North Public Housing. Hearing May 1, 1996. Upon motion by Commissioner Salgado, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented, Commissioner Cullum absent) to continue the matter for one month for a report on relocation from the Housing Authority. Four votes are needed and the motion fails. Then upon motion by Vice President Schwartz, the Board voted 3-1 Commissioner Salgado dissented) to **UPHOLD** the department and **GRANT** the eight demolition permits.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **DENY** the requests for rehearing.

**SPEAKERS:** L. Jamie Jamerson, appellant; Robert Jones, Peter Byrne, Rufus Carr and Laurie Jones, in support of appellant.

(12) **AMENDMENTS TO THE RULES OF THE BOARD:** To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings at end of calendar and prohibition against submittal of written materials at hearing.

**ACTION:** **CONTINUED** to **June 12, 1996** to give additional notice to interested parties and to allow for written comments from the public.

There being no further business, President Hu adjourned the meeting at 9:03 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

SF

# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, JUNE 5, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR CLARIFICATION:**

**ITEM A:** Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125 and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection. (Testimony was taken at the meeting May 15, 1996 and consideration and decision was scheduled on May 29, 1996. On May 29 the Board again rescheduled to June 5, 1996 so that the transcript of the December 6, 1995 hearing can be included with the record.)

**REQUEST FOR JURISDICTION:**

**ITEM B:** Letter from Drake Gardner, agent for the owner of 2247 Turk Street, requesting that the Board take jurisdiction over the request by the Zoning Administrator dated April 26, 1996 to the Department of Building Inspection that a Final Certificate of Occupancy not be issued until the owner installs wood double hung windows within the three-sided bay in the historic facade and reinstalls the wood entry door Building Permit Application Nos. 9419783S and 9419784).

**Items (4A) and (4B) shall be heard together**

**APPEAL NO. 96-048**

(4A) EDWARD WALDORPH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 11,
[1996, to Regan Carroll, permit
[to Demolish a Building (single-
[family dwelling) at 723 San
[Bruno Avenue.
[APPLICATION NO. 9509088.
[FOR HEARING TODAY.

**APPEAL NO. 96-049**

(4B) EDWARD WALDORPH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 11,
[1996, to Regan Carroll, permit
[to Erect a Building (two-unit,
[three-story dwelling) at 723
[San Bruno Avenue.
[APPLICATION NO. 9509087S.
[FOR HEARING TODAY.

**APPEAL NO. V96-051**

(5) LOURDES SAINES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 16, 1996,
[of Rear Yard and Open Space
[Variances (allow retention
[an existing addition at the
[rear of a two-story over garage
[four-unit apartment building;
[the rear addition was constructed
[by current owner's contractor
[without permit) for property
[at 2461 Bryant Street.
[VARIANCE CASE NO. 96.128V.
[FOR HEARING TODAY.

Date posted: May 30, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

### PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

### SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

### REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

### ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
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# MINUTES OF THE

# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, JUNE 5, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKER:** James Hutchinson of the Building Inspection Commission apologized for delay of the Board hearing by the Building Inspection Commission whose hearing ran overtime until 5:45 p.m. in Room 428.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** The Executive Director announced that a hearing on amendments to the Board's Rules is scheduled for June 12, 1996. After discussion, President Hu asked that the item be scheduled first and that he would cut off the hearing at 6:00 p.m. and continue the matter to the end of the meeting to accommodate appellants.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR CLARIFICATION:**

**ITEM A:** Letter from the Building Inspection Commission dated April 26, 1996 requesting clarification from the Board as to whether the revisions made to the plans for the alterations to the one-family house at 2000 Ulloa Street, upheld by the Board on December 6, 1995 (request for rehearing denied January 3, 1996), Appeals 95-125

and 95-171, comply with Condition No. 3 of the Board's decision, or is the attorney for the appellants correct that the Board's decision did not require nor allow plan revisions; and did the Board intend to refer these revisions to the Department of Building Inspection. (Testimony was taken at the meeting May 15, 1996 and consideration and decision was scheduled on May 29, 1996. On May 29 the Board again rescheduled to June 5, 1996 so that the transcript of the December 6, 1995 hearing can be included with the record.)

**ACTION:** After discussion, Commissioner Cullum moved that no permits should be required for the north and east wall windows but might be required for the other three alterations if required by the Department of Building Inspection. The motion failed on a 2-3 vote (President Hu, Vice President Schwartz and Commissioner McInerney dissented). On whether all five changes may need a new permit at the discretion of the Department of Building Inspection, the vote was 3-2, with Commissioners Cullum and Salgado dissenting. Motion passes and Executive Director to write to the Building Inspection Commission to clarify the Board decision of December 6, 1995.

**SPEAKERS:** Sue Hestor, attorney for appellants; Andrew Zacks, attorney for permit holders; James Hutchinson, Deputy Director for the Department of Building Inspection for the Building Inspection Commission; and Robert Passmore, Zoning Administrator for the Planning Department.

**REQUEST FOR JURISDICTION:**

**ITEM B:** Letter from Drake Gardner, agent for the owner of 2247 Turk Street, requesting that the Board take jurisdiction over the request by the Zoning Administrator dated April 26, 1996 to the Department of Building Inspection that a Final Certificate of Occupancy not be issued until the owner installs wood double hung windows within the three-sided bay in the historic facade and reinstalls the wood entry door Building Permit Application Nos. 9419783S and 9419784).

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the request for jurisdiction. Mr. Gardner has 10 days to file an appeal.

**SPEAKERS:** Drake Gardner, requestor; Robert Passmore, Zoning Administrator; and Judith Boyajian, Deputy City Attorney.

**Items (4A) and (4B) were heard together**

**APPEAL NO. 96-048**

(4A) EDWARD WALDORPH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 11, [1996, to Regan Carroll, permit [to Demolish a Building (single-[family dwelling) at 723 San [Bruno Avenue.
[APPLICATION NO. 9509088.
[FOR HEARING TODAY.

**APPEAL NO. 96-049**

(4B) EDWARD WALDORPH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 11, [1996, to Regan Carroll, permit [to Erect a Building (two-unit, [three-story dwelling) at 723 [San Bruno Avenue. [APPLICATION NO. 9509087S. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 2-3 (Vice President Schwartz, Commissioners Cullum and Salgado dissented) to overrule the department and suspend the demolition permit until new plans are approved. Four votes are needed and the motion fails. The demolition permit is **UPHELD**. Then upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioners McInerney dissented) to overrule the department and revoke the permit for the new building. Four votes are needed to overrule and the permit is **UPHELD**.

**SPEAKERS:** Edward Waldorph, appellant; Luke Gontarek, Anne-Karin Glass, Allen Anthony, Charles Herzen, Gary Andros, Jill Anthony, Paul Goodwin, Roger Jones, Jeff Smith, Larry Beaton, Greg Changnon, in support of appellant; Robert Passmore, Zoning Administrator for Planning; Shawn Gorman, architect for permit holder; and Dorsey Redmond, mother of permit holder.

**The Board recessed from 7:15 to 7:25 p.m.**

**APPEAL NO. V96-051**

(5) LOURDES SAINES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 16, 1996, [of Rear Yard and Open Space [Variances (allow retention [an existing addition at the [rear of a two-story over garage [four-unit apartment building; [the rear addition was constructed [by current owner's contractor [without permit) for property [at 2461 Bryant Street. [VARIANCE CASE NO. 96.128V. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

**SPEAKERS:** Robert Passmore, Zoning Administrator for Planning Department; and Bill Lax, agent for appellant.

There being no further business, President Hu adjourned the meeting at 8:31 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, JUNE 12, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **AMENDMENTS TO THE RULES OF THE BOARD**: To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing.

If this matter is not concluded by 6:00 p.m. the Board intends to continue it to the end of the calendar.

(4) **REQUEST FOR REHEARING**: Letter from Peggy M. O'Laughlin, attorney for GTE Mobilnet, requesting rehearing of Appeal No. 95-151, 1300 - 26th Avenue. Hearing February 21, 1996. Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney absent) to **OVERRULE** the Zoning Administrator with the **CONDITION** that the permit be **SUSPENDED** until the conditional use process has concluded.

**APPEAL NO. 96-059**

(5) HECTOR & MARIA VILLANUEVA, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 13, 1996, for work done
[at 2947-2929 Folsom Street.
[APPLICATION NO. 9603926.
[FOR HEARING TODAY.

**Items (6A) and (6B) shall be heard together**

**APPEAL NO. 96-056**

(6A) TOM RUCKER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 18,
[1996, to Alfred Lee, permit to
[Erect a Building (three-story
[two family dwelling) at
[at 647 - 44th Avenue.
[APPLICATION NO. 9508843S.
[FOR HEARING TODAY.

**APPEAL NO. 96-057**

(6B) LONNIE MAGNUSEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 18,
[1996, to Alfred Lee, permit to
[Erect a Building (three-story
[two family dwelling) at
[at 647 - 44th Avenue.
[APPLICATION NO. 9508843S.
[FOR HEARING TODAY.

**APPEAL NO. V96-043**

(7) SHERMUND MO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 8, 1996, of Minimum Lot Area, Rear Yard and Usable Open Space Variances (subdivide the existing lot into two separate lots) sought for property at 2348-50 Greenwich and 49 Service Streets.
[VARIANCE CASE NO. 96.043VE.
[FOR HEARING TODAY.

**APPEAL NO. V96-058**

(8) JOSE R. MEDINA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 23, 1996, of Rear Yard Variance (allow retention of a two-story addition and ground floor garage constructed without building permit, at the rear of an existing two-story, single family dwelling) for property at 450 Rolph Street.
[VARIANCE CASE NO. 96.100V.
[FOR HEARING TODAY.

Date posted: June 6, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

### SPECIAL NOTES

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF
# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, JUNE 12, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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PUBLIC LIBRARY

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **AMENDMENTS TO THE RULES OF THE BOARD:** To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing.

If this matter was not concluded by 6:00 p.m. the Board intended to continue it to the end of the calendar.

**ACTION:** After discussion President Hu **CONTINUED** this item to **June 26, 1996** for further consideration and adoption. Staff was directed to use the language submitted by Andrew Junius concerning rehearings.

(4) **REQUEST FOR REHEARING:** Letter from Peggy M. O'Laughlin, attorney for GTE Mobilnet, requesting rehearing of Appeal No. 95-151, 1300 - 26th Avenue. Hearing February 21, 1996. Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney absent) to **OVERRULE** the Zoning Administrator with the **CONDITION** that the permit be **SUSPENDED** until the conditional use process has concluded.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to **DENY** the request for rehearing.

**SPEAKERS:** Bart Hechtman, GTE Mobilnet; Philip Carleton, appellant; Judith Boyajian, Deputy City Attorney; and Robert Passmore, Zoning Administrator for the Planning Department.

**APPEAL NO. 96-059**

(5) HECTOR & MARIA VILLANUEVA, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 13, 1996, for work done
[at 2947-2929 Folsom Street.
[APPLICATION NO. 9603926.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $459.55 for a total of $919.10.

**SPEAKERS:** Malcolm Morrison, architect for appellants; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**Items (6A) and (6B) were heard together**

**APPEAL NO. 96-056**

(6A) TOM RUCKER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 18,
[1996, to Alfred Lee, permit to
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[two family dwelling) at
[at 647 - 44th Avenue.
[APPLICATION NO. 9508843S.
[FOR HEARING TODAY.

**APPEAL NO. 96-057**

(6B) LONNIE MAGNUSEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

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[1996, to Alfred Lee, permit to
[Erect a Building (three-story
[two family dwelling) at
[at 647 - 44th Avenue.
[APPLICATION NO. 9508843S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder make a good faith effort to reduce the height of the parapet.

**SPEAKERS:** Tom Rucker, appellant; Barbara DeLong, in support of appellants; Dan Sullivan, agent for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

Appellant Lonnie Magnusen did not appear.

**The Board recessed from 6:48 to 7:00 p.m.**

**APPEAL NO. V96-043**

(7) SHERMUND MO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 8, 1996, of Minimum Lot Area, Rear Yard and Usable Open Space Variances (subdivide the existing lot into two separate lots) sought for property at 2348-50 Greenwich and 49 Service Streets.
[VARIANCE CASE NO. 96.043VE.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance incorporating the findings by Jeremy Paul, with the **CONDITIONS** that there be no further development or expansion of the buildings and no fence erected between the two new lots.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Jeremy Paul, agent for appellant; Shermund Mo, appellant; and Don David and Steve Shafer, co-owners of 2348-50 Greenwich Street.

**APPEAL NO. V96-058**

(8) JOSE R. MEDINA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 23, 1996, of Rear Yard Variance (allow retention of a two-story addition and ground floor garage constructed without building permit, at the rear of an existing two-story, single family dwelling) for property at 450 Rolph Street.
[VARIANCE CASE NO. 96.100V.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 4-1 (Commissioner McInerney dissented) to **OVERRULE** the Zoning Administrator and **GRANT** the variance with the **CONDITION** that the unlawful garage be removed and that the parking space in the building shall be restored.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Javier Solozano, agent for appellant.

There being no further business, President Hu adjourned the meeting at 7:34 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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6/26/96

# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS

## WEDNESDAY, JUNE 26, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **AMENDMENTS TO THE RULES OF THE BOARD:** To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing. **FOR CONSIDERATION AND ADOPTION.**

(4) **REQUESTS FOR REHEARING:**

**ITEM A:** Letter from James S. Glowner, dba "Varney's Catering" requesting rehearing of Appeal No. 96-024, One Post Street. Hearing May 29, 1996. Upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and allow the two stops. Four votes are needed to overrule a department and the motion fails and the department is **UPHELD.**

**ITEM B:** Letter from Edward Waldorph, appellant, requesting rehearing of Appeal Nos. 96-048, 96-049, 723 San Bruno Avenue. Hearing June 5, 1996. Upon motion by Commissioner McInerney, the Board voted 2-3 (Vice President Schwartz, Commissioners Cullum and Salgado dissented) to overrule the department and suspend the demolition permit until new plans are approved. Four votes are needed and the motion fails. The demolition permit is **UPHELD.** Then upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and revoke the permit for the new building. Four votes are needed to overrule and the permit is **UPHELD.**

(5) **CONSENT CALENDAR:**

With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-060**

BURL WALKER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 13, 1996, for work done
[at 840 Niagara Avenue.
[APPLICATION NO. 9517224.
[FOR HEARING TODAY.

**APPEAL NO. 95-075**

(6) HARSCH INVESTMENT CORP., dba
"ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit
[to convert rooms from residential
[to tourist use under Hotel Conver-
[sion Ordinance Section 41.13(d)
[for failure to pay one-for-one
[replacement fee for hotel at
[417 Stockton Street.
[FOR HEARING TODAY.

**APPEAL NO. 96-067**

(7) JAMES B. TYLER, Appellant
vs.
DEPT. BUILDING INSPECITON, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 24, [1996, to Mission Housing Develop [ment Corp., permit to Erect a [Building (five stories, 30 units) [at 1010 South Van Ness Avenue. [APPLICATION NO. 9604392S. [FOR HEARING TODAY.

**APPEAL NO. 96-055**

(8) GILBERT WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 30, 1996, of [permit to Alter a Building [(horizontal rear addition) [at 40 Sunview Drive. [APPLICATION NO. 9600070. [FOR HEARING TODAY.

**APPEAL NO. 96-076**

(9) ARCHDIOCESE OF SAN FRANCISCO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on June 5, 1996 [by the Zoning Administrator that [use of the vacant lot at 1639 [Oak Street for parking for St. [Agnes Church at 1025 Masonic [Avenue is in violation of Plan- [ning Code Section 178(c) which [requires conditional use authori [zation for parking lots and [modification of church use and [that the parking use must cease [until necessary permits have been [approved by the City. [FOR HEARING TODAY.

Date posted: June 20, 1996

## MEMBERS OF THE BOARD OF PERMIT APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

### PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

### SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

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Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

### REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

### ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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6/26/96

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF PERMIT APPEALS
## WEDNESDAY, JUNE 26, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

**ABSENT:** Commissioner Mario Salgado.

**Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **AMENDMENTS TO THE RULES OF THE BOARD:** To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing. **FOR CONSIDERATION AND ADOPTION.**

**ACTION:** **CONTINUED** to **July 10, 1996** so that Commissioner Salgado can be present.

(4) **REQUESTS FOR REHEARING:**

**ITEM A:** Letter from James S. Glowner, dba "Varney's Catering" requesting rehearing of Appeal No. 96-024, One Post Street. Hearing May 29, 1996. Upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and allow the two stops. Four votes are needed to overrule a department and the motion fails and the department is **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (President Hu and Commissioner McInerney dissented) to grant rehearing. Four votes are needed and the motion fails. The request is **DENIED**.

**SPEAKERS:** James Glowner, appellant; and Sergeant William Coggan, S.F.P.D.

**ITEM B:** Letter from Edward Waldorph, appellant, requesting rehearing of Appeal Nos. 96-048, 96-049, 723 San Bruno Avenue. Hearing June 5, 1996. Upon motion by Commissioner McInerney, the Board voted 2-3 (Vice President Schwartz, Commissioners Cullum and Salgado dissented) to overrule the department and suspend the demolition permit until new plans are approved. Four votes are needed and the motion fails. The demolition permit is **UPHELD**. Then upon motion by Vice President Schwartz, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the department and revoke the permit for the new building. Four votes are needed to overrule and the permit is **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 2-2 (Commissioner Cullum and Vice President Schwartz dissented) to **DENY** the request for rehearing.

**SPEAKERS:** Edward Waldorph, appellant; Regan Carroll, permit holder; Shawn Gorman architect for permit; and Robert Passmore, Zoning Administrator for the Planning Department.

(5) **CONSENT CALENDAR:**

With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-060**

| | |
|---|---|
| BURL WALKER, Appellant<br>vs.<br>DEPT. BUILDING INSPECTION, Respondent<br>PLANNING DEPARTMENT APPROVAL | [Imposition of Penalty on<br>[May 13, 1996, for work done<br>[at 840 Niagara Avenue.<br>[APPLICATION NO. 9517224.<br>[FOR HEARING TODAY. |

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $167.05 for a total of $334.10.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 95-075**

(6) HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit [to convert rooms from residential [to tourist use under Hotel Conversion Ordinance Section 41.13(d) [for failure to pay one-for-one [replacement fee for hotel at [417 Stockton Street. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Cullum dissented) to overrule the department and grant the permit. Four votes are needed to overrule and the **DENIAL** is **UPHELD**.

**SPEAKERS:** Rosemary Bosque, Housing Inspection Division; Andrew Zacks, attorney for appellant; and Ilene Dick, Deputy City Attorney.

**APPEAL NO. 96-067**

(7) JAMES B. TYLER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 24, [1996, to Mission Housing Development Corp., permit to Erect a [Building (five stories, 30 units) [at 1010 South Van Ness Avenue. [APPLICATION NO. 9604392S. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** James B. Tyler, appellant; Laurel Stanley, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; John Belmer, in support of appellant; Harry Turner, attorney for permit holder; and Daniel Hernandez, permit holder.

**The Board recessed from 7:21 to 7:31 p.m.**

**APPEAL NO. 96-055**

(8) GILBERT WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 30, 1996, of [permit to Alter a Building [(horizontal rear addition) [at 40 Sunview Drive. [APPLICATION NO. 9600070. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **DENY** the permit.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Arnold Weber, attorney for appellant; H.G. Benson, Roger Russell, Wong Johnson, Patrick McGraw, Jerry Healy and Jan Forsyth, in support of the department.

**APPEAL NO. 96-076**

(9) ARCHDIOCESE OF SAN FRANCISCO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on June 5, 1996 [by the Zoning Administrator that [use of the vacant lot at 1639 [Oak Street for parking for St. [Agnes Church at 1025 Masonic [Avenue is in violation of Plan- [ning Code Section 178(c) which [requires conditional use authori- [zation for parking lots and [modification of church use and [that the parking use must cease [until necessary permits have been [approved by the City. [FOR HEARING TODAY.

**ACTION:** Upon motion by Vice President Schwartz, the Board voted 3-0 (Commissioner Salgado absent and Commissioner McInerney recused) to reschedule. **RESCHEDULED** to **August 14, 1996.**

(10) Upon motion by President Hu the Board voted 4-0 to thank Doris Levine for her 1[illegible] years of service as Official Court Reporter. President Hu invited those who remained in the room to stay for cake and sparkling apple juice in honor of Ms. Levine.

There being no further business, President Hu adjourned the meeting at 8:10 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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7/10/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, JULY 10, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

Agenda

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(1) CONSENT ITEM: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-063**

PARADISO MECHANICAL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on May 30, 1996, for
[work done at 388 Potrero Avenue.
[PERMIT NO. E152763.
[FOR HEARING TODAY.

(2) REQUEST FOR CLARIFICATION: Appeal Nos. 88-293, 294, 295. Letter from attorney Sue C. Hestor on behalf of four organizations dated February 27, 1996 requesting a clarification of the issue of whether the Board's decision on November 29, 1995 to hold a hearing to correct its June 5, 1991 decision on the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets did legally set aside the 1991 action, or whether the resolution on November 29 failed because it lacked the necessary four votes required for the granting of a rehearing under Section 16 Part III of the Municipal Code (Project Sponsor: Adiuvana-Invest and Mardikian Enterprises; multi-family residental project approved as conditional use by Planning Commission in 1987; disapproved by Board of Permit Appeals in 1989; subject of litigation and under jurisdiction of Superior Court for sixty days after Board's final action).

**APPEAL NO. 96-079**

(3) AMY J. POWELL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on June 14, 1996
[by the Zoning Administrator that
[the permit holder's current pro-
[posal to build one or more of
[the three 21st Street dwellings
[before construction of the Sanchez
[Street dwelling is permitted and
[would not be considered by the
[Planning Department to be a
[violation of conditions of approval
[imposed by the Planning Commission.
[(Discretionary Decision Case
[95.123D for four one family houses
[and one demolition at 3701, 3707,
[3717 21st and 818 Sanchez Streets.)
[(BPA upheld the demolition permit
[and four building permits on
[January 3, 1996 and denied the
[request for rehearing on
[February 7, 1996.)
[FOR HEARING TODAY.

(4) PUBLIC COMMENT: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(5) COMMISSIONERS COMMENTS AND QUESTIONS.

(6) **AMENDMENTS TO THE RULES OF THE BOARD**: To conform Rules to recent changes in Sectic 8 of Part III of the Municipal Code and to codify certain practices of the Boar regarding public interest hearings and prohibition against submittal of written ma terial at hearing. **FOR CONSIDERATION AND ADOPTION.**

(7) **REQUESTS FOR REHEARING:**

**ITEM A**: Letter from Matthew Leffers and Michael Tatum, appellants, requesting rehear ing of Appeal No. 96-006, 650-656 Fourth Street. Hearing April 17, 1996. Upon motic by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwart and Commissioner McInerney dissented) to overrule the Zoning Administrator and allc the property to be used as a tourist hotel. Four votes are needed to overrule ar the motion fails and the Zoning Administrator is **UPHELD**.

**ITEM B**: Letter from Lynn L. Axelrod, attorney for Tom Rucker, appellant, requestir rehearing of Appeal No. 96-056, 647 - 44th Avenue. Hearing June 12, 1996. Upc motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department ar **GRANT** the permit with the **CONDITION** that the permit holder make a good faith effor to reduce the height of the parapet.

**APPEAL NO. 96-065**

(8) DEAN MENIKTAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on May 29, 1996, of
[permit to Alter a Building (re-
[locate two garage doors and widen
[another garage door; repair two
[front bay windows; install French
[door at rear exit stair landing)
[at 2990 Jackson Street.
[APPLICATION NO. 9600703.
[FOR HEARING TODAY.

**APPEAL NO. 96-069**

(9) DAVID COUR, RICHARD WEISS, MOREVA NEWHOUSE, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 23,
[1996, to James Sagin, permit to
[Demolish a Building (garage) at
[1444 Green Street.
[APPLICATION NO. 9603133.
[FOR HEARING TODAY.

**APPEAL NO. V96-044**

(10) CHI WING WU, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 9,
[1996, to James Stavoy, agent
[for William McGrane, Rear Yard
[and Side Yard Variances (legalize
[existing 11.5 x 12.5 foot rear
[deck of an existing two-story
[over basement, single-family
[dwelling) for property at
[91 - 25th Avenue.
[VARIANCE CASE NO. 94.660V.
[FOR HEARING TODAY.

Date posted: July 3, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, JULY 10, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Mae J. Chu, Official Court Reporter.

**ABSENT:** Commissioner John McInerney.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **CONSENT ITEM:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-063**

| | |
|---|---|
| PARADISO MECHANICAL, Appellant<br>vs.<br>DEPT. BUILDING INSPECTION, Respondent | [Appeal for Refund of Penalty<br>[imposed on May 30, 1996, for<br>[work done at 388 Potrero Avenue.<br>[PERMIT NO. E152763.<br>[FOR HEARING TODAY. |

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $226.00 for a total of $452.00.

**SPEAKERS:** The appellant was present but did not speak.

(2) **REQUEST FOR CLARIFICATION:** Appeal Nos. 88-293, 294, 295. Letter from attorney Sue C. Hestor on behalf of four organizations dated February 27, 1996 requesting a clarification of the issue of whether the Board's decision on November 29, 1995 to hold a hearing to correct its June 5, 1991 decision on the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets did legally set aside the 1991 action, or whether the resolution on November 29 failed because it lacked the necessary four

votes required for the granting of a rehearing under Section 16 of Part III of the Municipal Code (Project Sponsor: Adiuvana-Invest and Mardikian Enterprises; multi-family residental project approved as conditional use by Planning Commission in 1987; disapproved by Board of Permit Appeals in 1989; subject of litigation and under jurisdiction of Superior Court for sixty days after Board's final action).

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to **RESCHEDULE** the matter to **August 14, 1996** with the **CONDITION** that the project sponsor pay for bus transportation of the neighbors and tenants of 959 Powell Street.

**SPEAKERS:** Michael Burke, attorney for the project sponsor; and Sue Hestor, attorney for the neighbors.

**APPEAL NO. 96-079**

(3) AMY J. POWELL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on June 14, 1996 [by the Zoning Administrator that [the permit holder's current pro- [posal to build one or more of [the three 21st Street dwellings [before construction of the Sanchez [Street dwelling is permitted and [would not be considered by the [Planning Department to be a [violation of conditions of approval [imposed by the Planning Commission. [(Discretionary Decision Case [95.123D for four one family houses [and one demolition at 3701, 3707, [3717 21st and 818 Sanchez Streets.) [(BPA upheld the demolition permit [and four building permits on [January 3, 1996 and denied the [request for rehearing on [February 7, 1996.) [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Sue Hestor, attorney for appellant; Amy Powell, appellant; Wade Laughter, Alexander Shapiro, Monica Henschke, in support of appellant; Andrew Junius, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

(4) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

SPEAKERS: None.

(5) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: None.

(6) AMENDMENTS TO THE RULES OF THE BOARD: To conform Rules to recent changes in Section 8 of Part III of the Municipal Code and to codify certain practices of the Board regarding public interest hearings and prohibition against submittal of written material at hearing. **FOR CONSIDERATION AND ADOPTION.**

ACTION: Upon motion by Commissioner Salgado, the Board voted 4-0 to ADOPT the amendments.

SPEAKERS: None.

(7) REQUESTS FOR REHEARING:

ITEM A: Letter from Matthew Leffers and Michael Tatum, appellants, requesting rehearing of Appeal No. 96-006, 650-656 Fourth Street. Hearing April 17, 1996. Upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the property to be used as a tourist hotel. Four votes are needed to overrule and the motion fails and the Zoning Administrator is UPHELD.

ACTION: RESCHEDULED to **August 14, 1996** prior to hearing at request of Andrew Zacks, attorney for appellants with agreement of Board. Motion by Commissioner Cullum approved unanimously.

ITEM B: Letter from Lynn L. Axelrod, attorney for Tom Rucker, appellant, requesting rehearing of Appeal No. 96-056, 647 - 44th Avenue. Hearing June 12, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holder make a good faith effort to reduce the height of the parapet.

ACTION: CONTINUED to **August 14, 1996** for the parties to clarify the safety issues raised by the appellant concerning the retaining wall along the property line.

SPEAKERS: Lynn Axelrod, attorney for appellant; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; Dan Sullivan and Walter Wong, agents for permit holder; and Judith Boyajian, Deputy City Attorney.

**APPEAL NO. 96-065**

(8) DEAN MENIKTAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on May 29, 1996, of
[permit to Alter a Building (re-
[locate two garage doors and widen
[another garage door; repair two
[front bay windows; install French
[door at rear exit stair landing)
[at 2990 Jackson Street.
[APPLICATION NO. 9600703.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit with the **CONDITION** the westerly curb cut be allowed to remain as it is in front of the two side-by-side garage doors, and the curb cut on the easterly side nearest the front door of the building shall be moved two feet to the east, creating a 16-foot wide curb space.

**SPEAKERS:** Jerry Klein, agent for appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Dean Meniktas, appellant.

**The Board recessed from 7:19 to 7:29 p.m.**

**APPEAL NO. 96-069**

(9) DAVID COUR, RICHARD WEISS, MOREVA NEWHOUSE, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 23,
[1996, to James Sagin, permit to
[Demolish a Building (garage) at
[1444 Green Street.
[APPLICATION NO. 9603133.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for the Planning Department; David Cour, appellant; and Harry O'Brien, attorney for permit holder.

**APPEAL NO. V96-044**

(10) CHI WING WU, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 9,
[1996, to James Stavoy, agent
[for William McGrane, Rear Yard
[and Side Yard Variances (legalize
[existing 11.5 x 12.5 foot rear
[deck of an existing two-story
[over basement, single-family
[dwelling) for property at
[91 - 25th Avenue.
[VARIANCE CASE NO. 94.660V.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 to **CONTINUE** the hearing to **August 28, 1996** to allow time for the parties to consider revisions to plans that could mitigate project's effect on the appellant's property.

**SPEAKERS:** Chi Wing Wu, appellant; Robert Passmore, Zoning Administrator for the Planning Department; William McGrane, variance holder; James Stavoy, architect for variance holder; and Cho Wu, appellant's son as interpreter for his mother Mrs. Wu.

There being no further business, President Hu adjourned the meeting at 8:35 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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# REGULAR MEETING OF THE BOARD OF APPEALS
## WEDNESDAY, AUGUST 14, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

**REQUESTS FOR REHEARING**:

**ITEM A**: Letter from Lynn L. Axelrod, attorney for Tom Rucker, appellant, requesting rehearing of Appeal No. 96-056, 647 - 44th Avenue. Hearing June 12, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder make a good faith effort to reduce the height of the parapet.

**ITEM B**: Letter from Matthew Leffers and Michael Tatum, appellants, requesting rehearing of Appeal No. 96-006, 650-656 Fourth Street. Hearing April 17, 1996. Upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the property to be used as a tourist hotel. Four votes are needed to overrule and the motion fails and the Zoning Administrator is **UPHELD**.

**ITEM C**: Letter from Andrew Zacks, attorney for appellant, requesting rehearing of Appeal No. 95-075, Allison Hotel. Hearing June 26, 1996. Upon motion by Commissioner McInerney, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Cullum dissented, Commissioner Salgado absent) to overrule the department and grant the permit. Four votes are needed to overrule and the **DENIAL** is **UPHELD**.

**ITEM D**: Letter from Amy Powell of Save Sanchez Hilltop, appellant, requesting rehearing of Appeal No. 96-079, 21st and Sanchez Streets. Hearing July 10, 1996. Upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented and Commissioner McInerney absent) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**.

**APPEAL NO. 96-072**

(4) FRANCISCO MARQUEZ DE LA PLATA AND FREDERICK KING, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 12, 1996, for work
[done at 1137 Hyde Street.
[APPLICATION NO. 9521179.
[FOR HEARING TODAY.

**APPEAL NO. 96-017**

(5) SHELDON MILSTEIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 14, 1996,
[of permit to Alter a Building
[(re-establish legal use as six
[units) at 471-475 Union Street.
[APPLICATION NO. 9516984.
[FOR HEARING TODAY.

**APPEAL NO. 96-071**

(6) FRANCES LUNG, ESSIE COLLINS AND NOLAN FRANK, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on May 28, [1996, to Michael O'Mahoney and [Jeremiah F. O'Sullivan, permit [to Erect a Building (six condo- [miniums on four stories) at [1850 Turk Street. [APPLICATION NO. 9602123S. [FOR HEARING TODAY.

**Items (7A) and (7B) shall be heard together**

**APPEAL NO. 96-074**

(7A) LAURA F. FRANK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 7, [1996, to Mark Nelson, permit [to Demolish a Building at [507-509 35th Avenue. [APPLICATION NO. 9521102. [FOR HEARING TODAY.

**APPEAL NO. 96-075**

(7B) LAURA F. FRANK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 7, [1996, to Mark Nelson, permit [to Erect a Building (three story, [single family dwelling) at [507 - 35th Avenue. [APPLICATION NO. 9521103S. [FOR HEARING TODAY.

**APPEAL NO. 96-066**

(8) CASTRO YOGURT PARTNERS, dba "ULTIMATE YOGURT & MORE", Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation dated May 23, 1996 [from the Zoning Administrator [that the existing full service [restaurant at 495 Castro Street [is not permitted in the Castro [Street N.C. District and that [the Dept. of Public Health permit [issued for this use was issued [in error after being disapproved [by the Planning Department on [November 30, 1995; and that to [continue this use, conditional [use authorization from the Plannin [Commission is necessary. [FOR HEARING TODAY.

**APPEAL NO. V96-073**

(9) PABLO VIGIL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 3, 1996, of Off- [Street Parking Variance (allow [retention of second dwelling [unit constructed without record [of permit, on the top floor of [the existing two-story over ground [floor commercial building; legal [occupancy is one dwelling unit [over commercial) for property [at 2341 Folsom Street. [VARIANCE CASE NO. 96.147V. [FOR HEARING TODAY.

Date posted: August 8, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**MAE J. CHU - OFFICIAL COURT REPORTER 386-9018**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

•

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, AUGUST 14, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUESTS FOR REHEARING:**

**ITEM A:** Letter from Lynn L. Axelrod, attorney for Tom Rucker, appellant, requesting rehearing of Appeal No. 96-056, 647 - 44th Avenue. Hearing June 12, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder make a good faith effort to reduce the height of the parapet.

**ACTION:** **WITHDRAWN** prior to hearing by appellant **August 13, 1996.**

**ITEM B:** Letter from Matthew Leffers and Michael Tatum, appellants, requesting rehearing of Appeal No. 96-006, 650-656 Fourth Street. Hearing April 17, 1996. Upon motion by Commissioner Salgado, the Board voted 2-3 (President Hu, Vice President Schwartz

and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the property to be used as a tourist hotel. Four votes are needed to overrule and the motion fails and the Zoning Administrator is **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **October 2, 1996.**

**SPEAKER:** Andrew Zacks, attorney for appellants.

**ITEM C:** Letter from Andrew Zacks, attorney for appellant, requesting rehearing of Appeal No. 95-075, Allison Hotel. Hearing June 26, 1996. Upon motion by Commissioner McInerney, the Board voted 1-3 (President Hu, Vice President Schwartz and Commissioner Cullum dissented, Commissioner Salgado absent) to overrule the department and grant the permit. Four votes are needed to overrule and the **DENIAL** is **UPHELD**.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **DENY** the request for rehearing.

**SPEAKER:** Paul Utrecht, attorney for appellant.

**ITEM D:** Letter from Amy Powell of Save Sanchez Hilltop, appellant, requesting rehearing of Appeal No. 96-079, 21st and Sanchez Streets. Hearing July 10, 1996. Upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented and Commissioner McInerney absent) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **August 28, 1996** to allow time for the court reporter to prepare a transcript of the July 10, 1996 hearing. The cost of the transcript is to be shared by the parties.

**SPEAKERS:** Sue Hestor, attorney for appellant; Andrew Junius, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Amy Powell, appellant.

**APPEAL NO. 96-072**

(4)

| | |
|---|---|
| FRANCISCO MARQUEZ DE LA PLATA AND FREDERICK KING, Appellants | [Imposition of Penalty on |
| vs. | [June 12, 1996, for work |
| DEPT. BUILDING INSPECTION, Respondent | [done at 1137 Hyde Street. |
| PLANNING DEPARTMENT APPROVAL | [APPLICATION NO. 9521179. |
| | [FOR HEARING TODAY. |

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

**SPEAKERS:** Jace Levinson, architect for appellants; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**APPEAL NO. 96-017**

(5) SHELDON MILSTEIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 14, 1996,
[of permit to Alter a Building
[(re-establish legal use as six
[units) at 471-475 Union Street.
[APPLICATION NO. 9516984.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; and Roslyn Gardner, appellant's daughter.

**APPEAL NO. 96-071**

(6) FRANCES LUNG, ESSIE COLLINS AND
NOLAN FRANK, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on May 28,
[1996, to Michael O'Mahoney and
[Jeremiah F. O'Sullivan, permit
[to Erect a Building (six condo-
[miniums on four stories) at
[1850 Turk Street.
[APPLICATION NO. 9602123S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Essie Collins, Nolan Frank and Frances Lum, appellants; and Shawn Gorman, architect for permit holder.

**The Board recessed from 7:25 to 7:40 p.m.**

**Items (7A) and (7B) shall be heard together**

**APPEAL NO. 96-074**

(7A) LAURA F. FRANK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 7,
[1996, to Mark Nelson, permit
[to Demolish a Building at
[507-509 35th Avenue.
[APPLICATION NO. 9521102.
[FOR HEARING TODAY.

**APPEAL NO. 96-075**

(7B) LAURA F. FRANK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 7,
[1996, to Mark Nelson, permit
[to Erect a Building (three story,
[single family dwelling) at
[507 - 35th Avenue.
[APPLICATION NO. 9521103S.
[FOR HEARING TODAY.

**ACTION:** **WITHDRAWN** prior to hearing by appellant **August 14, 1996.**

**APPEAL NO. 96-066**

(8) CASTRO YOGURT PARTNERS, dba "ULTIMATE YOGURT & MORE", Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation dated May 23, 1996 [from the Zoning Administrator [that the existing full service [restaurant at 495 Castro Street [is not permitted in the Castro [Street N.C. District and that [the Dept. of Public Health permit [issued for this use was issued [in error after being disapproved [by the Planning Department on [November 30, 1995; and that to [continue this use, conditional [use authorization from the Planning [Commission is necessary. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (President Hu, Vice President Schwartz, Commissioner McInerney dissented) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**.

**SPEAKER:** Robert Passmore, Zoning Administrator for the Planning Department. The appellant did not appear.

**APPEAL NO. V96-073**

(9) PABLO VIGIL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 3, 1996, of Off- [Street Parking Variance (allow [retention of second dwelling [unit constructed without record [of permit, on the top floor of [the existing two-story over ground- [floor commercial building; legal [occupancy is one dwelling unit [over commercial) for property [at 2341 Folsom Street. [VARIANCE CASE NO. 96.147V. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado with findings, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the variance.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Hashim Al-Yassin, architect for appellant; and Pablo Vigil, appellant.

There being no further business, President Hu adjourned the meeting at 8:24 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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8/21/96

# REGULAR MEETING OF THE BOARD OF APPEALS
## WEDNESDAY, AUGUST 21, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Shirley Dawn Davis requesting that the Board take jurisdiction over Building Permit Application No. 9609181 issued to Vincent Walsh to clarify the use of the building at 878 Wisconsin Street as a two unit building; to correct problems under previous permits; increase size of lightwells to comply with Building Code; remove peaked roof and replace with flat roof; and increase headroom to comply with Building Code.

| | |
|---|---|
| Date issued | June 5, 1996 |
| Appeal period ended | June 20, 1996 |
| Request for jurisdiction | July 17, 1996 |

**APPEAL NO. 96-064**

(4) ABDUL ABDUL, dba "CINNABAR", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 15, 1996, [of Mechanical Amusement Device [permit at 397 Ellis Street. [FOR HEARING TODAY.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-077**

(A) NORMA R. MATUS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [June 19, 1996, for work [done at 1787-1789 Oak Street. [APPLICATION NO. 9412875. [FOR HEARING TODAY.

**APPEAL NO. 96-080**

(B) JENNIFER LI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [June 19, 1996, for work [done at 38 Grafton Avenue. [APPLICATION NO. 9600535. [FOR HEARING TODAY.

**APPEAL NO. 96-081**

(C) DENNIS LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [June 21, 1996, for work [done at 778 - 45th Avenue. [APPLICATION NO. 9600925. [FOR HEARING TODAY.

**APPEAL NO. 96-082**

(D) ROGER KWAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 19, 1996, for work
[done at 1076-1078 Capp Street.
[APPLICATION NO. 9608347.
[FOR HEARING TODAY.

**Items (6A) and (6B) shall be heard together**

**APPEAL NO. 96-083**

(6A) WILHELM & VALBORG TIETZ, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on Feburary
[22, 1996 (suspended February 27,
[1996, reinstated June 28, 1996)
[to Daniel Sullivan, permit to
[Demolish a Building (single family)
[at 667 Chenery Street.
[APPLICATION NO. 9513780.
[FOR HEARING TODAY.

**APPEAL NO. 96-084**

(6B) WILHELM & VALBORG TIETZ, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[22, 1996 (suspended February 27,
[1996, reinstated June 28, 1996)
[to Daniel Sullivan, permit to
[Erect a Building (three-story
[residential/commercial) at
[667 Chenery Street.
[APPLICATION NO. 9601326.
[FOR HEARING TODAY.

**APPEAL NO. 96-094**

(7) GERRIE A. SCOTT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 9,
[1996, to Seymour Jaron, permit
[to Demolish a Building (office/
[warehouse) at 727-729 Brannan
[Street.
[APPLICATION NO. 9520426.
[FOR HEARING TODAY.

**APPEAL NO. 96-061**

(8) ROYAL PACIFIC MOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on May 13, 1996
[by the Zoning Administrator that
[the current parking operation
[at 661 Broadway and 728 Pacific
[Avenue appears to be in violation
[of Planning Code Sections 810.59,
[161(d) and 174(a) and that opera-
[tion of the facility for more
[than 36 automobiles for general
[public use, and use of the drive-
[way at 728 Pacific Avenue must
[cease until properly authorized
[by the Planning Commission as
[a conditional use.
[FOR HEARING TODAY.

Date posted: August 15, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**MAE J. CHU - OFFICIAL COURT REPORTER 386-9018**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

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## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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8/21/96

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, AUGUST 21, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Deputy Director for Permit Services for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Shirley Dawn Davis requesting that the Board take jurisdiction over Building Permit Application No. 9609181 issued to Vincent Walsh to clarify the use of the building at 878 Wisconsin Street as a two unit building; to correct problems under previous permits; increase size of lightwells to comply with Building Code; remove peaked roof and replace with flat roof; and increase headroom to comply with Building Code.

| | |
|---|---|
| Date issued | June 5, 1996 |
| Appeal period ended | June 20, 1996 |
| Request for jurisdiction | July 17, 1996 |

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **GRANT** jurisdiction. Ms. Davis has fifteen days to file an appeal.

**SPEAKERS:** Shirley Dawn Davis, requestor; Vincent Walsh, permit holder; Roberta Caravelli and Andrew Mead, in support of requestor; James Hutchinson for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

**APPEAL NO. 96-064**

(4) ABDUL ABDUL, dba "CINNABAR", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on May 15, 1996,
[of Mechanical Amusement Device
[permit at 397 Ellis Street.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **UPHOLD** the department and **REVOKE** the permit.

**SPEAKERS:** Sergeant William Coggan, S.F.P.D.; and Jeffrey Neustadt, attorney for appellant.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board would take testimony and then decide the appeal individually.

**APPEAL NO. 96-077**

(A) NORMA R. MATUS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 19, 1996, for work
[done at 1787-1789 Oak Street.
[APPLICATION NO. 9412875.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $280.80 for a total of $561.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-080**

(B) JENNIFER LI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 19, 1996, for work
[done at 38 Grafton Avenue.
[APPLICATION NO. 9600535.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $427.05 for a total of $854.10.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-081**

(C) DENNIS LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 21, 1996, for work
[done at 778 - 45th Avenue.
[APPLICATION NO. 9600925.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $345.80 for a total of $691.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-082**

(D) ROGER KWAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 19, 1996, for work
[done at 1076-1078 Capp Street.
[APPLICATION NO. 9608347.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $85.15 for a total of $170.30.

**SPEAKERS:** The appellant was present but did not speak.

**Items (6A) and (6B) were heard together**

**APPEAL NO. 96-083**

(6A) WILHELM & VALBORG TIETZ, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on Feburary
[22, 1996 (suspended February 27,
[1996, reinstated June 28, 1996)
[to Daniel Sullivan, permit to
[Demolish a Building (single family)
[at 667 Chenery Street.
[APPLICATION NO. 9513780.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**APPEAL NO. 96-084**

(6B) WILHELM & VALBORG TIETZ, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February [22, 1996 (suspended February 27, [1996, reinstated June 28, 1996) [to Daniel Sullivan, permit to [Erect a Building (three-story [residential/commercial) at [667 Chenery Street. [APPLICATION NO. 9601326. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the walls wrongly erased from the plans on the lower level be redrawn as required by the Department of Building Inspection.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Valborg Tietz, appellant; Roberta Caravelli, in support of appellants; and Alice Barkley, attorney for permit holder.

**APPEAL NO. 96-094**

(7) GERRIE A. SCOTT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 9, [1996, to Seymour Jaron, permit [to Demolish a Building (office/ [warehouse) at 727-729 Brannan [Street. [APPLICATION NO. 9520426. [FOR HEARING TODAY.

**The Board recessed during this hearing from 7:53 to 8:01 p.m. to review the Negative Declaration.**

**ACTION:** The Board was polled as to whether the Negative Declaration had been reviewed and considered. After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Gerrie Scott, appellant; James Reuben, attorney for permit holder; and Robert Passmore, Zoning Administrator for the Planning Department; and James Hutchinson, for the Department of Building Inspection.

**APPEAL NO. 96-061**

(8) ROYAL PACIFIC MOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on May 13, 1996 [by the Zoning Administrator that [the current parking operation [at 661 Broadway and 728 Pacific [Avenue appears to be in violation [of Planning Code Sections 810.59,

[161(d) and 174(a) and that opera-
[tion of the facility for more
[than 36 automobiles for general
[public use, and use of the drive-
[way at 728 Pacific Avenue must
[cease until properly authorized
[by the Planning Commission as
[a conditional use.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **CONTINUE TO CALL OF THE CHAIR** with the **CONDITION** that the appellant apply for conditional use authorization within 90 days.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Edward Vincent King, attorney for appellant; John Hwang and Marsha Garland, in support of appellant; and Alice Barkley, attorney for Mirawa Center Investment.

There being no further business, President Hu adjourned the meeting at 8:51 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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8/28/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, AUGUST 28, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING**: Letter from Amy Powell of Save Sanchez Hilltop, appellant, requesting rehearing of Appeal No. 96-079, 21st and Sanchez Streets. Hearing July 10, 1996. Upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented and Commissioner McInerney absent) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**. Request continued from August 14, 1996 for review by Board of transcript of July 10, 1996 hearing.

**APPEAL NO. V96-044**

(4) CHI WING WU, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 9,
[1996, to James Stavoy, agent
[for William McGrane, Rear Yard
[and Side Yard Variances (legalize
[existing 11.5 x 12.5 foot rear
[deck of an existing two-story
[over basement, single-family
[dwelling) for property at
[91 - 25th Avenue.
[VARIANCE CASE NO. 94.660V.
[FOR FURTHER HEARING TODAY.

(5) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-085**

(A) JIAN QIANG LI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 28, 1996, for work
[done at 359 Leland Avenue.
[APPLICATION NO. 9604945.
[FOR HEARING TODAY.

**APPEAL NO. 96-086**

(B) KARL A. ZIMMERMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on July 2, 1996, for
[work done at 715-717 Baker Street.
[APPLICATION NO. 9610702.
[FOR HEARING TODAY.

**APPEAL NO. 96-087**

(C) YAO QUAN LU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 5, 1996, for work
[done at 1018 Ingerson Avenue.
[APPLICATION NO. 9607964.
[FOR HEARING TODAY.

**APPEAL NO. 96-089**

(D) POLLY CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on July 10, 1996, for
[work done at 15 Rotteck Street.
[APPLICATION NO. 9519597.
[FOR HEARING TODAY.

**APPEAL NOS. 96-101 - 109**

(6) MICHAEL ANDERSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on August
[5, 1996, to St. Francis Square
[Co-op, permit to Alter a Building
[(repair balconies and add guard-
[rails with trim, replace windows,
[replace sliding glass doors) at
[5, 15, 25, 35, 45, 55, 65, 75
[and 85 Western Shore Lane.
[APPLICATION NOS. 9602689-9602697.
[FOR HEARING TODAY.

**APPEAL NO. V96-052**

(7) AMINTA MOSS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 17, 1996,
[of Rear Yard Variance (allow
[reconstruction of an existing
[storage/bathroom addition on
[the east side of the one story
[building at the rear of the lot;
[the existing storage/bathroom
[addition was reconstructed by
[the current owner's contractor
[without permit) for property at
[1325 Lake Street.
[VARIANCE CASE NO. 96.081V.
[FOR HEARING TODAY.

Date posted: August 22, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, AUGUST 28, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **REQUEST FOR REHEARING:** Letter from Amy Powell of Save Sanchez Hilltop, appellant, requesting rehearing of Appeal No. 96-079, 21st and Sanchez Streets. Hearing July 10, 1996. Upon motion by Commissioner Cullum, the Board voted 3-1 (President Hu dissented and Commissioner McInerney absent) to overrule the Zoning Administrator. Four votes are needed and the motion fails. The Zoning Administrator is **UPHELD**. Request continued from August 14, 1996 for review by Board of transcript of July 10, 1996 hearing.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **DENY** the request for rehearing.

**SPEAKERS:** None.

**APPEAL NO. V96-044**

(4) CHI WING WU, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 9, [1996, to James Stavoy, agent [for William McGrane, Rear Yard [and Side Yard Variances (legalize [existing 11.5 x 12.5 foot rear [deck of an existing two-story [over basement, single-family [dwelling) for property at [91 - 25th Avenue. [VARIANCE CASE NO. 94.660V. [FOR FURTHER HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-1 (Commissioner McInerney dissented) to **UPHOLD** the Zoning Administrator with the **CONDITION** that the deck be screened for the full length of the deck and can be modified after the Wu's building is completed.

**SPEAKERS:** William McGrane, variance holder; Edward Ajlouny, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Stavoy, architect for variance holder; and Chi Wing Wu, appellant.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board would take testimony and then decide the appeal individually.

**APPEAL NO. 96-085**

(A) JIAN QIANG LI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on [June 28, 1996, for work [done at 359 Leland Avenue. [APPLICATION NO. 9604945. [FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $482.95 for a total of $965.90.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-086**

(B) KARL A. ZIMMERMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty [imposed on July 2, 1996, for [work done at 715-717 Baker Street. [APPLICATION NO. 9610702. [FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

**SPEAKERS:** The appellant was not present.

**APPEAL NO. 96-087**

(C) YAO QUAN LU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 5, 1996, for work
[done at 1018 Ingerson Avenue.
[APPLICATION NO. 9607964.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $150.80 for a total of $301.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-089**

(D) POLLY CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on July 10, 1996, for
[work done at 15 Rotteck Street.
[APPLICATION NO. 9519597.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

**SPEAKERS:** The appellant was present but did not speak.

**The Board recessed from 6:43 to 6:58 p.m.**

**APPEAL NOS. 96-101 - 109**

(6) MICHAEL ANDERSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on August
[5, 1996, to St. Francis Square
[Co-op, permit to Alter a Building
[(repair balconies and add guard-
[rails with trim, replace windows,
[replace sliding glass doors) at
[5, 15, 25, 35, 45, 55, 65, 75
[and 85 Western Shore Lane.
[APPLICATION NOS. 9602689-9602697.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits.

**SPEAKERS:** Michael Anderson, appellant; John Lum, Marie Grant; Beverly Daniels, Ola Chakeris, in support of appellant; Dik Behm, manager for co-op; and Quentin Baker, Dugal Mitchell, in support of the permit holder.

**APPEAL NO. V96-052**

(7) AMINTA MOSS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 17, 1996,
[of Rear Yard Variance (allow
[reconstruction of an existing
[storage/bathroom addition on
[the east side of the one story
[building at the rear of the lot;
[the existing storage/bathroom
[addition was reconstructed by
[the current owner's contractor
[without permit) for property at
[1325 Lake Street.
[VARIANCE CASE NO. 96.081V.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Steven Eng, in support of the Zoning Administrator; Rinard Ford, contractor for appellant; and Aminta Moss, appellant.

There being no further business, President Hu adjourned the meeting at 8:23 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

SF
P30
#2
9/4/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, SEPTEMBER 4, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING**: Letter from Gary Bell & Associates, agent for Ultimate Yogurt & More, requesting rehearing of Appeal No. 96-066, 695 Castro Street. Hearing August 14, 1996. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Hu, Vice President Schwartz, Commissioner McInerney dissented) to overrule the Zoning Administrator. Four votes are needed and the motion failed. The Zoning Administrator is **UPHELD**.

**APPEAL NO. 96-078**

(4) ROGER DODGE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Disapproval on June 10, 1996, [of permit to Alter a Building [(legalize building and split [lot into two equal parcels [with building easement) [at 57 Bradford Street. [APPLICATION NO. 9414405S. [FOR HEARING TODAY.

**APPEAL NO. 96-091**

(5) LAW OFFICES OF 629 BRYANT STREET, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June [27, 1996, to Central City Body [Shop/Delta Detailing, permit to [Alter a Building (convert ware- [house to body shop and spray [booth) at 629A Bryant Street. [APPLICATION NO. 9608943. [FOR HEARING TODAY.

**APPEAL NO. 96-093**

(6) STEVEN G. HAYDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July [3, 1996, to John King, permit [to Alter a Building (remove [illegal unit) at 1890 - 22nd [Avenue. [APPLICATION NO. 9611945. [FOR HEARING TODAY.

**APPEAL NO. V96-068**

(7) FOUR SEYMOUR STREET PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front [Setback and Rear Yard Variance [(eliminate loft and reduce the [overall height of the proposed [buildings by 5', limiting the [height of one building to 40' [and the height of the eaves to [30'9" and the height of the ridge [of the building setback 2' from [the front property line to a ridge [height of 38'9" and the height [of its eaves to 28') for property [at 4 Seymour Street. [VARIANCE CASE NO. V96-068. [FOR HEARING TODAY.

Date posted: August 29, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**MAE J. CHU - OFFICIAL COURT REPORTER 386-9018**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

CITY & COUNTY OF
SAN FRANCISCO
BOARD OF APPEALS
75 STEVENSON ST., #440
SAN FRANCISCO, CA 94103

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Dept. 41

SF
P30
#3
9/4/96

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, SEPTEMBER 4, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** Commissioner McInerney requested that penalties be placed on a consent calendar once a month.

(3) **REQUEST FOR REHEARING:** Letter from Gary Bell & Associates, agent for Ultimate Yogurt & More, requesting rehearing of Appeal No. 96-066, 695 Castro Street. Hearing August 14, 1996. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Hu, Vice President Schwartz, Commissioner McInerney dissented) to overrule the Zoning Administrator. Four votes are needed and the motion failed. The Zoning Administrator is **UPHELD**.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** rehearing.

**SPEAKERS:** The appellant was present but did not speak.

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Dept. 41



**APPEAL NO. 96-078**

(4) ROGER DODGE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Disapproval on June 10, 1996,
[of permit to Alter a Building
[(legalize building and split
[lot into two equal parcels
[with building easement)
[at 57 Bradford Street.
[APPLICATION NO. 9414405S.
[FOR HEARING TODAY.

**ACTION:** After discussion, the Board voted 5-0 to **CONTINUE** the matter to **December 4, 1996** to allow the appellant to apply for a variance.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Joan MacQuarrie, Chief Building Inspector for the Department; and Robert Mittelstadt, architect for appellant.

**APPEAL NO. 96-091**

(5) LAW OFFICES OF 629 BRYANT STREET, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June
[27, 1996, to Central City Body
[Shop/Delta Detailing, permit to
[Alter a Building (convert ware-
[house to body shop and spray
[booth) at 629A Bryant Street.
[APPLICATION NO. 9608943.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **GRANT** the permit with the stipulated agreement by the parties.

**SPEAKERS:** The parties were present but did not speak.

**APPEAL NO. 96-093**

(6) STEVEN G. HAYDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July
[3, 1996, to John King, permit
[to Alter a Building (remove
[illegal unit) at 1890 - 22nd
[Avenue.
[APPLICATION NO. 9611945.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Marc Janowitz, attorney for appellant; Michael Rossoff, attorney for permit holders; Marilyn Young, attorney for previous owner; John and Anisa King, permit holders; Robert Passmore, Zoning Administrator for the Planning Department; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**The Board recessed from 6:55 to 7:08 p.m.**

**APPEAL NO. V96-068**

(7) FOUR SEYMOUR STREET PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front [Setback and Rear Yard Variance [(eliminate loft and reduce the [overall height of the proposed [buildings by 5', limiting the [height of one building to 40' [and the height of the eaves to [30'9" and the height of the ridge [of the building setback 2' from [the front property line to a ridge [height of 38'9" and the height [of its eaves to 28') for property [at 4 Seymour Street. [VARIANCE CASE NO. 96.217V. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Zoning Admininstrator and **ADOPT** the findings prepared by the appellant and to allow approval of two one-family dwellings each three stories high with a loft and dormer with the height of the building reduced by five feet to the dimension contained in the grant clause of the variance decision.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Winston Montgomery, Gary Koutz, Peggy Nelson, in support of the Zoning Administrator; Daniel Sullivan, appellant; and Kelly McCray, in support of appellant.

There being no further business, President Hu adjourned the meeting at 7:29 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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#2
9/11/96

# REGULAR MEETING OF THE BOARD OF APPEALS
## WEDNESDAY, SEPTEMBER 11, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR REHEARING:**

**ITEM A:** Letter from Wilhelm and Valborg Tietz, appellants, requesting rehearing of Appeal Nos. 96-083, 96-084, 667 Chenery Street. Hearing August 21, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits with the **CONDITION** that the walls wrongly erased from the plans on the lower level be redrawn as rquired by the Department of Building Inspection.

**REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:**

**ITEM B:** Letter from F. Joseph Butler, architect for Bruce and Carol Mitchell, adjacent property owners to 49-53 Telegraph Place, requesting that the Board take jurisdiction over the Zoning Administrator's determination that the alleged inconsistencies with the approved set of plans for the subject property are in general conformity with the plans approved by the Planning Department under Variance Case No. 94.259V.

| | |
|---|---|
| Date of determination | August 19, 1996 |
| Appeal period ended | August 29, 1996 |
| Request for jurisdiction | August 30, 1996 |

(4) **CONSENT ITEM:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-097**

(A) IRENE HAROLD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 24, 1996, for work
[done at 2101 - 32nd Avenue.
[APPLICATION NO. 9602840.
[FOR HEARING TODAY.

**APPEAL NO. 96-113**

(B) ALL STAR DONUTS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on August 27, 1996, for
[work done at 96-98 9th Street.
[ELECTRIC SIGN PERMIT NO. S23336.
[FOR HEARING TODAY.

**APPEAL NO. 96-076**

(5) ARCHDIOCESE OF SAN FRANCISCO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on June 5, 1996 [by the Zoning Administrator that [use of the vacant lot at 1639 [Oak Street for parking for St. [Agnes Church at 1025 Masonic [Avenue is in violation of Plan- [ning Code Section 178(c) which [requires conditional use authori- [zation for parking lots and [modification of church use and [that the parking use must cease [until necessary permits have been [approved by the City. [FOR HEARING TODAY.

**APPEAL NO. 96-116**

(6) JC DECAUX UNITED STREET FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appeal of the condition of excep- [tion imposed on August 20, 1996 [requiring that the public service [kiosk at the SW corner of Geary [and Powell Streets be rotated [110° to face SE. [FOR HEARING TODAY.

**APPEAL NO. 96-117**

(7) JC DECAUX UNITED STREET FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on August 20, 1996, of [exception (15" from the curb as [opposed to 18" and 11'4½" wide [as opposed to 12' requirement) [for the public service kiosk at [the SE corner of Battery and [Bush Streets. [FOR HEARING TODAY.

**APPEAL NO. 96-054**

(8) DAN & REGINA WALDMAN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 22, 1996, of [permit to Alter a Building [(legalize rear structure) [at 780 Joost Avenue. [APPLICATION NO. 9418609. [FOR HEARING TODAY.

**APPEAL NO. V96-111**

(9) JOHN & GRETCHEN BERGGRUEN, CHARLOTTE THOMPSON, JOAN TAYLOR, et al., Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August [9, 1996, to John Parker Willis, [Front Setback and Rear Yard [Variance (to allow construction [of a two family dwelling with [underground garages) for property [at 1035-1045 Vallejo Street. [VARIANCE CASE NO. 96.098V. [FOR HEARING TODAY.

Date posted: September 5, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**MAE J. CHU - OFFICIAL COURT REPORTER 386-9018**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

## PROCEDURE AT HEARINGS

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

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## REQUESTS FOR REHEARING

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, SEPTEMBER 11, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Alec Bash, Deputy Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** Timothy Gillespie and Roberta Caravelli complained of violations of the Brown Act and Sunshine Ordinance.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKER:** President Hu requested that the Executive Secretary and City Attorney look into the allegations by Mr. Gillespie and Ms. Caravelli.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR REHEARING:**

**ITEM A:** Letter from Wilhelm and Valborg Tietz, appellants, requesting rehearing of Appeal Nos. 96-083, 96-084, 667 Chenery Street. Hearing August 21, 1996. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **GRANT** the permits with the **CONDITION** that the walls wrongly erased from the plans on the lower level be redrawn as required by the Department of Building Inspection.

**ACTION:** After discussion, upon motion by Commissioner Schwartz, the Board voted 4-0 to **DENY** the request for rehearing of the demolition permit. Then on a separate motion by Commissioner Schwartz, the Board voted 4-0 to **DENY** the request for rehearing of the building permit. Commissioner Salgado had not yet arrived.

**SPEAKERS:** Valborg Tietz, appellant; and Robert McCarthy, attorney for permit holder.

**REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:**

**ITEM B:** Letter from F. Joseph Butler, architect for Bruce and Carol Mitchell, adjacent property owners to 49-53 Telegraph Place, requesting that the Board take jurisdiction over the Zoning Administrator's determination that the alleged inconsistencies with the approved set of plans for the subject property are in general conformity with the plans approved by the Planning Department under Variance Case No. 94.259V.

| | |
|---|---|
| Date of determination | August 19, 1996 |
| Appeal period ended | August 29, 1996 |
| Request for jurisdiction | August 30, 1996 |

**ACTION:** **WITHDRAWN** prior to hearing by phone with letter to follow.

(4) **CONSENT ITEM:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-097**

(A) IRENE HAROLD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 24, 1996, for work
[done at 2101 - 32nd Avenue.
[APPLICATION NO. 9602840.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $362.05 for a total of $724.10.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-113**

(B) ALL STAR DONUTS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on August 27, 1996, for
[work done at 96-98 9th Street.
[ELECTRIC SIGN PERMIT NO. S23336.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $236.17 for a total of $472.34.

**SPEAKERS:** The appellant was present but did not speak.

**Item 5 was passed until the arrival of Commissioner Salgado at 7:18 p.m.**

**APPEAL NO. 96-076**

(5) ARCHDIOCESE OF SAN FRANCISCO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on June 5, 1996 [by the Zoning Administrator that [use of the vacant lot at 1639 [Oak Street for parking for St. [Agnes Church at 1025 Masonic [Avenue is in violation of Plan- [ning Code Section 178(c) which [requires conditional use authori- [zation for parking lots and [modification of church use and [that the parking use must cease [until necessary permits have been [approved by the City. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** Commissioner McInerney because of conflict of interest, who left the dais at 7:39 p.m. Then after testimony and discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and allow the parking lot as an automatic Conditional Use as described by the representative of the Planning Department, on condition that the church works with Planning on landscaping and screening, and the church shall seek the appropriate City permits for the parking lot.

**SPEAKERS:** Douglas Sands, attorney for appellant; Alec Bash, Deputy Zoning Administrator for the Planning Department; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**Commissioner McInerney returned to the dais at 7:54 p.m.**

**Items 6, 7 and 8 were heard before Item 5.**

**APPEAL NO. 96-116**

(6) JC DECAUX UNITED STREET FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appeal of the condition of excep- [tion imposed on August 20, 1996 [requiring that the public service [kiosk at the SW corner of Geary [and Powell Streets be rotated [110° to face SE. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to **OVERRULE** the department and **GRANT** the exception with no conditions.

**SPEAKERS:** Jacob Szeto, Department of Public Works; Harry O'Brien, attorney for appellant; and Francois Nion, appellant.

**APPEAL NO. 96-117**

(7) JC DECAUX UNITED STREET FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on August 20, 1996, of [exception (15" from the curb as [opposed to 18" and sidewalk is [11'4½" wide as opposed to 12') [requirement for the public [service kiosk at the SE corner [of Battery and Bush Streets. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado not yet arrived) to **OVERRULE** the department and **GRANT** the exception.

**SPEAKERS:** Jacob Szeto, Department of Public Works; and Harry O'Brien, attorney for appellant.

**APPEAL NO. 96-054**

(8) DAN & REGINA WALDMAN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 22, 1996, of [permit to Alter a Building [(legalize rear structure) [at 780 Joost Avenue. [APPLICATION NO. 9418609. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado not yet arrived) to **OVERRULE** the department and **GRANT** the permit with findings and the following **CONDITIONS**: that the kitchen be removed from the cottage, that the gas lines be capped before reaching the cottage; the full bath and the walkway can remain as is; appellants shall record a Notice of Special Restrictions indicating that the house will be used as a one-family house so long as zoning remains RH-1.

**SPEAKERS:** Claire Pilcher, attorney for appellants; Dan Waldman, appellant; Barry and Ellen Fishman, Chris Capriotti, in support of appellants; Alec Bash, Deputy Zoning Administrator for the Planning Department; and Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection.

**The Board recessed from 7:23 to 7:37 p.m. and then called Item 5.**

**APPEAL NO. V96-111**

| | | |
|---|---|---|
| (9) | JOHN & GRETCHEN BERGGRUEN, CHARLOTTE THOMPSON, JOAN TAYLOR, et al., Appellants<br>vs.<br>ZONING ADMINISTRATOR, Respondent | [Protesting granting on August [9, 1996, to John Parker Willis, [Front Setback and Rear Yard [Variance (to allow construction [of a two family dwelling with [underground garages) for property [at 1035-1045 Vallejo Street. [VARIANCE CASE NO. 96.098V. [FOR HEARING TODAY. |

The executive secretary polled the Commissioners as to whether they had each reviewed and considered the enviornmental review documents and they all answered that they had.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance with findings and the **CONDITION** that the nine spaces under the abutting properties shall be restricted to use by the occupants of 1013, 1019 and 1023 Vallejo unless the spaces are not wanted by the occupants, and any tree on the southerly property line that is destroyed by the variance holder shall be replaced at his expense with a tree of similar kind and size.

**SPEAKERS:** Alec Bash, Deputy Zoning Administrator for the Planning Department; Harry O'Brien attorney for appellants; Charlotte Thompson, Jonathon Rice, Gretchen Berggruen; Jo Policastro, in support of appellants; Steven Vettel, attorney for project sponsor; Ed McEachron, architect for project sponsor; John Willis, project sponsor; and Caroline and Nielson Rogers, Len Wohadlo, Mitch Menaged, Don Luce, Putnam and Pari Livermore, Mariette Richards, Steve Kendrick, in support of the variance.

There being no further business, President Hu adjourned the meeting at 9:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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9/18/96

# REGULAR MEETING OF THE BOARD OF APPEALS
## WEDNESDAY, SEPTEMBER 18, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR CLARIFICATION**: Appeal Nos. 88-293, 294, 295. Letter from attorney Sue C. Hestor on behalf of four organizations dated February 27, 1996 requesting a clarification of the issue of whether the Board's decision on November 29, 1995 to hold a hearing to correct its June 5, 1991 decision on the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets did legally set aside the 1991 action, or whether the resolution on November 29 failed because it lacked the necessary four votes required for the granting of a rehearing under Section 16 Part III of the Municipal Code (Project Sponsor: Adiuvana-Invest and Mardikian Enterprises; multi-family residental project approved as conditional use by Planning Commission in 1987; disapproved by Board of Permit Appeals in 1989; subject of litigation and under jurisdiction of Superior Court for sixty days after Board's final action).

**APPEAL NO. 96-095**

(4) CHERYL CHEN, Appellant
vs.
ART COMMISSION, Respondent

[Suspension on July 17, 1996,
[of Street Artist permit for
[three weeks at Hyde Street,
[east side between Beach and
[Jefferson Streets and Beach
[Street, south side between Hyde
[and Larkin Streets.
[STREET ARTIST CERTIFICATE 3744.
[FOR HEARING TODAY.

**APPEAL NO. 96-096**

(5) ZHONG CHEN, Appellant
vs.
ART COMMISSION, Respondent

[Suspension July 17, 1996,
[of Street Artist permit for
[three weeks at Hyde Street,
[east side between Beach and
[Jefferson Streets and Jefferson
[Street, north side at Leaven-
[worth Street.
[STREET ARTIST CERTIFICATE 4017.
[FOR HEARING TODAY.

(6) **CONSENT ITEM**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-114**

FORD CONSUMER FINANCE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on August
[23, 1996, for work done at
[119 Tioga Avenue.
[APPLICATION NO. 9611341.
[FOR HEARING TODAY.

**APPEAL NO. 96-099**

(7) TOM McGRATH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 30, 1996,
[of permit to Erect a Building
[(two family dwelling) at
[1241 - 5th Avenue.
[APPLICATION NO. 9517407S.
[FOR HEARING TODAY.

**Items (8A) and (8B) shall be heard together**

**APPEAL NO. 96-118**

(8A) JOHN HUMMER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT SUSPENSION

[Suspension on August 21, 1996,
[by the Department of Building
[Inspection at the request of
[the Planning Department of the
[alteration permit for work
[at 2640 Baker Street.
[APPLICATION NO. 9518855.
[FOR HEARING TODAY.

**APPEAL NO. 96-119**

(8B) JOHN HUMMER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Suspension on August 21, 1996,
[by the Department of Building
[Inspection of the alteration
[permit for work at 2640 Baker
[Street.
[APPLICATION NO. 9609789.
[FOR HEARING TODAY.

Date posted: September 12, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**MAE J. CHU - OFFICIAL COURT REPORTER 386-9018**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

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## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, SEPTEMBER 18, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** Commissioner McInerney requested that the executive secretary draft a letter to the Mayor asking him to look into the problem of people in illegal units losing their homes and the need for legalization of illegal units, an important source of affordable housing in the City. President Hu asked that once drafted in consultation with Commissioner McInerney, that it be calendared for discussion by the Board.

(3) **REQUEST FOR CLARIFICATION:** Appeal Nos. 88-293, 294, 295. Letter from attorney Sue C. Hestor on behalf of four organizations dated February 27, 1996 requesting a clarification of the issue of whether the Board's decision on November 29, 1995 to hold a hearing to correct its June 5, 1991 decision on the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets did legally set aside the 1991 action, or whether the resolution on November 29 failed because it lacked the necessary four votes required for the granting of a rehearing under Section 16 Part III of the Municipal Code (Project Sponsor: Adiuvana-Invest and Mardikian Enterprises; multi-family residential project approved as conditional use by Planning Commission in 1987; disapproved by Board of Permit Appeals in 1989; subject of litigation and under jurisdiction of Superior Court for sixty days after Board's final action).

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 that the decision of November 29, 1995 by a 3-2 vote was a motion for reconsideration and required four votes for passage and therefore it failed and that motion is now declared null and void. The executive secretary announced that the project sponsor may do the E.I.R. and once certified as final by the Planning Commission, the motion would be back before the Board.

**SPEAKERS:** Gen Fujioka, Sue Hestor and Rev. Norman Fong, representing neighborhood organizations; Michael Burke, attorney for project sponsor; and Herbert Yanowitz, attorney for intervenors.

**APPEAL NO. 96-095**

(4) CHERYL CHEN, Appellant
vs.
ARTS COMMISSION, Respondent

[Suspension on July 17, 1996,
[of Street Artist permit for
[three weeks at Hyde Street,
[east side between Beach and
[Jefferson Streets and Beach
[Street, south side between Hyde
[and Larkin Streets.
[STREET ARTIST CERTIFICATE 3744.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Salgado dissented) to **UPHOLD** the department and **SUSPEND** the permit for three weeks.

**SPEAKERS:** Howard Lazar, Director of the Street Artists Program and Richard Newirth, Director of the Arts Commission; Cheryl Chen, appellant; Mark Cassius, in support of the appellant; and Zhong Chen, appellant's husband.

**APPEAL NO. 96-096**

(5) ZHONG CHEN, Appellant
vs.
ARTS COMMISSION, Respondent

[Suspension July 17, 1996,
[of Street Artist permit for
[three weeks at Hyde Street,
[east side between Beach and
[Jefferson Streets and Jefferson
[Street, north side at Leaven-
[worth Street.
[STREET ARTIST CERTIFICATE 4017.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department and **SUSPEND** the permit for one week.

**SPEAKERS:** Howard Lazar, Director of the Street Artists Program and Richard Newirth Director of the Arts Commission; Zhong Chen, appellant; and Joven Kereke and Mark Cassius in support of appellant.

**CONSENT ITEM:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-114**

(6) FORD CONSUMER FINANCE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on August
[23, 1996, for work done at
[119 Tioga Avenue.
[APPLICATION NO. 9611341.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $443.30 for a total of $886.60.

**SPEAKERS:** The appellant was present but did not speak.

**The Board recessed from 7:19 to 7:30 p.m.**

**APPEAL NO. 96-099**

(7) TOM McGRATH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 30, 1996,
[of permit to Erect a Building
[(two family dwelling) at
[1241 - 5th Avenue.
[APPLICATION NO. 9517407S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **CONTINUE** the matter to **October 2, 1996** to allow Sue Hestor and Robert Passmore to review revised plans. Testimony shall be limited to reactions to revisions by Sue Hestor, Robert Passmore and Alice Barkley. Commissioner McInerney suggested several specific revisions to the appellant.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for appellant; Diane Marksman, Kiernan Buckley, Noel Boggins, Ray Graham, Martin Coyne, in support of appellant; and Sue Hestor attorney for John and Connie Herrell, John and Connie Herrell, Allen Toski, Regina Mowbray, David Elbridge, Raymond Maurret, Kenneth Edlin, Robert Amore, in support of the department.

**Items (8A) and (8B) were heard together**

**APPEAL NO. 96-118**

(8A) JOHN HUMMER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT SUSPENSION

[Suspension on August 21, 1996,
[by the Department of Building
[Inspection at the request of
[the Planning Department of the
[alteration permit for work
[at 2640 Baker Street.
[APPLICATION NO. 9518855.
[FOR HEARING TODAY.

**APPEAL NO. 96-119**

(8B) JOHN HUMMER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Suspension on August 21, 1996,
[by the Department of Building
[Inspection of the alteration
[permit for work at 2640 Baker
[Street.
[APPLICATION NO. 9609789.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with findings by Commissioners McInerney and Cullum and **REINSTATE** the permits.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; John Hummer, appellant; John Sanger, attorney for appellant; Josephine Maccachelli, in support of appellant, and Alice Barkley, attorney for Sydney Unobskey.

There being no further business, President Hu adjourned the meeting at 9:19 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, OCTOBER 2, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION**: Letter from James L. Lazarus, attorney for Neil Chaitin, requesting that the Board take jurisdiction over Building Permit Application No. 9310717S issued to Farah Champsi to build a horizontal rear addition (first floor-enlarge family room, second floor-enlarge bedroom, third floor-add deck) at 2740 Divisadero Street.

| | |
|---|---|
| Date issued | August 8, 1996 |
| Appeal period ended | August 23, 1996 |
| Request for jurisdiction | September 6, 1996 |

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-098**

(A) JESUS & JULIA PARRA, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 26, 1996, for work
[done at 1027 York Street.
[APPLICATION NO. 9518512.
[FOR HEARING TODAY.

**APPEAL NO. 96-115**

(B) KWONG PAIN CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 27, 1996, for work
[done at 682 Lisbon Street.
[APPLICATION NO. 9606398.
[FOR HEARING TODAY.

**APPEAL NO. 96-123**

(C) CEFERINA BALUYUT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 9, 1996, for work
[done at 224 Grafton Avenue.
[APPLICATION NO. 9607747.
[FOR HEARING TODAY.

**Items (5A) and (5B) shall be heard together**

**APPEAL NO. 96-120**

(5A) HARTMUT FISCHER & ANNE T. HARVEY,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1996, to L. Scott Hoopes,
[permit to Alter a Building
[(third story addition at rear,
[addition includes bedroom at
[ground floor, family room at
[first floor and expanding exist-
[ing bedrooms at second floor)
[at 2850 Union Street.
[APPLICATION NO. 9601896S.
[FOR HEARING TODAY.

**APPEAL NO. 96-122**

JOHN PASQUESI, Appellant
vs.
(5B) DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1996, to L. Scott Hoopes,
[permit to Alter a Building
[(third story addition at rear,
[addition includes bedroom at
[ground floor, family room at
[first floor and expanding exist-
[ing bedrooms at second floor)
[at 2850 Union Street.
[APPLICATION NO. 9601896S.
[FOR HEARING TODAY.

**APPEAL NO. 96-121**

SHIRLEY DAWN DAVIS, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 5,
[1996, to Vincent P. Walsh,
[permit to Alter a Building
[(clarify use as a two unit build-
[ing; to correct problems under
[previous permits; increase size
[of lightwells to comply with
[Building Code; remove peaked roof
[and replace with flat roof; and
[increase headroom to comply with
[Building Code) at 878 Wisconsin
[Street.
[APPLICATION NO. 9609181.
[FOR HEARING TODAY.

Date posted: September 26, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

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Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, OCTOBER 2, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKER:** The Executive Secretary announced that the letter requested by Commissioner McInerney regarding need for protection of tenants of illegal units will be calendared for October 9, 1996 for public hearing.

(3) **REQUEST FOR JURISDICTION:** Letter from James L. Lazarus, attorney for Neil Chaitin, requesting that the Board take jurisdiction over Building Permit Application No. 9310717S issued to Farah Champsi to build a horizontal rear addition (first floor-enlarge family room, second floor-enlarge bedroom, third floor-add deck) at 2740 Divisadero Street.

| | |
|---|---|
| Date issued | August 8, 1996 |
| Appeal period ended | August 23, 1996 |
| Request for jurisdiction | September 6, 1996 |

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 5-0 to **GRANT** jurisdiction. Mr. Chaitin has fifteen days to file an appeal.

**SPEAKERS:** James Lazarus, attorney for requestor; Dolly Champsi, for permit holder; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-098**

(A) JESUS & JULIA PARRA, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[July 26, 1996, for work
[done at 1027 York Street.
[APPLICATION NO. 9518512.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $345.80 for a total of $691.60.

**SPEAKERS:** The appellants were present but did not speak.

**APPEAL NO. 96-115**

(B) KWONG PAIN CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 27, 1996, for work
[done at 682 Lisbon Street.
[APPLICATION NO. 9606398.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-123**

(C) CEFERINA BALUYUT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 9, 1996, for work
[done at 224 Grafton Avenue.
[APPLICATION NO. 9607747.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $118.30 for a total of $236.60.

**SPEAKERS:** The appellant was present but did not speak.

**Items (5A) and (5B) were heard together**

**APPEAL NO. 96-120**

(5A) HARTMUT FISCHER & ANNE T. HARVEY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1996, to L. Scott Hoopes,
[permit to Alter a Building
[(third story addition at rear,
[addition includes bedroom at
[ground floor, family room at
[first floor and expanding exist-
[ing bedrooms at second floor)
[at 2850 Union Street.
[APPLICATION NO. 9601896S.
[FOR HEARING TODAY.

**APPEAL NO. 96-122**

(5B) JOHN PASQUESI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1996, to L. Scott Hoopes,
[permit to Alter a Building
[(third story addition at rear,
[addition includes bedroom at
[ground floor, family room at
[first floor and expanding exist-
[ing bedrooms at second floor)
[at 2850 Union Street.
[APPLICATION NO. 9601896S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioenr McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITIONS:** (1) project sponsor shall remove the planter along the deck at the westerly property line; (2) project sponsor shall replace the fire rated glass railing with open metal deck railing on both the east and west property lines; (3) project sponsor shall not be required to move the railing off the property line.

**SPEAKERS:** Sue Hestor, attorney for Hartmut Fischer and Anne Harvey; Arnold Lerner, architect for appellants; Robert Passmore, Zoning Administrator for the Planning Department; Anne Harvey and John Pasquesi, appellants; John Stephen, in support of appellants; Dan Phipps, architect for permit holder; Jim Mattox, in support of permit holder; and Scott Hoopes, permit holder.

**The Board recessed from 7:08 to 7:18 p.m.**

**APPEAL NO. 96-121**

(6) SHIRLEY DAWN DAVIS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 5, [1996, to Vincent P. Walsh, [permit to Alter a Building [(clarify use as a two unit build- [ing; to correct problems under [previous permits; increase size [of lightwells to comply with [Building Code; remove peaked roof [and replace with flat roof; and [increase headroom to comply with [Building Code) at 878 Wisconsin [Street.
[APPLICATION NO. 9609181.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Shirley Dawn Davis, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Courtney Brown and Caroline Paul, in support of appellant; Daniel Conrad, attorney for permit holder; Vincent Walsh, permit holder; and Pete Naughton, in support of permit holder.

There being no further business, President Hu adjourned the meeting at 8:06 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

SF
P30
#2
10/9/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, OCTOBER 9, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**ADOPTION OF FINDINGS:**

**ITEM A**: Appeal Nos. 96-118 and 96-119, 2640 Baker Street. Hearing September 18, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department and **REINSTATE** the permits.

**REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:**

**ITEM B**: Letter from John Sanger, attorney for Jerald Roberts and Linda Kiefer, requesting that the Board take jurisdiction over the Zoning Administrator's determination that the Planning Commission properly considered and approved a lot split for 2150 - 10th Avenue under Planning Code Sections 121(f) and 303 and that the plans for a house on the new lot under Application No. 9501843S were not consistent with the rear yard standards of the Planning Code applicable to the lot relative to the particular way the lot was created. A protest appeal of Application 9501843S for construction of a new house at 2168 - 10th Avenue has been filed by Mr. Sanger on behalf of Mr. Roberts and Ms. Kiefer and is scheduled for hearing on November 13, 1996.

| | |
|---|---|
| Date of determination | September 9, 1996 |
| Last day to appeal | September 19, 1996 |
| Request for jurisdiction | September 24, 1996 |

**CONSIDERATION OF DRAFT LETTER TO MAYOR:**

**ITEM C**: Consideration of draft letter from Board to Mayor recommending legislative relief to protect long-term tenants evicted from affordable illegal apartments after City abatement action.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-124**

(A) BRIGIDO ALVAREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 11, 1996, for work
[done at 1136 Florida Street.
[APPLICATION NO. 9613122.
[FOR HEARING TODAY.

**APPEAL NO. 96-125**

(B) REMEDIOS ARENAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 18, 1996, for work
[done at 251 Silver Avenue.
[APPLICATION NO. 9521224.
[FOR HEARING TODAY.

**APPEAL NO 96-126**

(5) LUCIANA GALLINA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[6, 1996, to Brian McNaught and
[Ray Struble, permit to Alter a
[Building (remove existing steps
[and landing; construct new wood
[deck and steps to grade; remove
[existing load-bearing partitions
[and install new posts and headers;
[remove and replace existing door
[and windows with new metal and
[and glass canopy at existing bay;
[remove and replace existing garage
[door) at 3520 Baker Street.
[APPLICATION NO. 9611802.
[FOR HEARING TODAY.

**APPEAL NO. 96-129**

(6) CHARLES S. HOLDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[10, 1996, to Shirley Davis, permit
[to Alter a Building (relocate
[windows as shown on east, north
[and west facades; build new stair
[case to connect ground floor to
[first floor; and reinforce stair
[from first floor to second floor)
[at 2550 Filbert Street.
[APPLICATION NO. 9617102.
[FOR HEARING TODAY.

**APPEAL NO. V96-128**

(7) IRENE MORECI, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on September
[13, 1996, to Moulton St. Proper-
[ties Minimum Lot Width and Area
[Variance (subdivide an existing
[through-lot fronting both Green-
[wich and Pixley Streets into two
[lots; subject lot contains a two-
[story over garage, single-family
[dwelling facing Greenwich and
[a one story garage facing Pixley;
[the existing buildings are sche-
[for demolition and a new three-
[story over garage single-family
[dwelling is proposed for each
[of the newly subdivided lots)
[at 2263 Greenwich Street.
[VARIANCE CASE NO. 96.200V.
[FOR HEARING TODAY.

Date posted: October 3, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

**MAE J. CHU - OFFICIAL COURT REPORTER 386-9018**

**THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.**

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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#3
10/9/96

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, OCTOBER 9, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT**: President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, and Mario Salgado.

Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**ABSENT**: Commissioner John McInerney.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS**: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

**SPEAKERS**: None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

**ADOPTION OF FINDINGS**:

**ITEM A**: Appeal Nos. 96-118 and 96-119, 2640 Baker Street. Hearing September 18, 1996. Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department and **REINSTATE** the permits.

**ACTION**: Upon motion by Vice President Schwartz, the Board voted 4-0 to **ADOPT** findings.

**REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:**

**ITEM B:** Letter from John Sanger, attorney for Jerald Roberts and Linda Kiefer, requesting that the Board take jurisdiction over the Zoning Administrator's determination that the Planning Commission properly considered and approved a lot split for 2150 - 10th Avenue under Planning Code Sections 121(f) and 303 and that the plans for a house on the new lot under Application No. 9501843S were not consistent with the rear yard standards of the Planning Code applicable to the lot relative to the particular way the lot was created. A protest appeal of Application 9501843S for construction of a new house at 2168 - 10th Avenue has been filed by Mr. Sanger on behalf of Mr. Roberts and Ms. Kiefer and is scheduled for hearing on November 13, 1996.

| | |
|---|---|
| Date of determination | September 9, 1996 |
| Last day to appeal | September 19, 1996 |
| Request for jurisdiction | September 24, 1996 |

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 4-0 to **GRANT** jurisdiction. Mr. Sanger has ten days to file an appeal.

**SPEAKER:** John Sanger, attorney for requestor.

**CONSIDERATION OF DRAFT LETTER TO MAYOR:**

**ITEM C:** Consideration of draft letter from Board to Mayor recommending legislativ relief to protect long-term tenants evicted from affordable illegal apartments afte City abatement action.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Boar proceeded to a vote without testimony to reduce the penalty (investigation fee) t two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-124**

| | | |
|---|---|---|
| (A) | BRIGIDO ALVAREZ, Appellant<br>vs.<br>DEPT. BUILDING INSPECTION, Respondent<br>PLANNING DEPARTMENT APPROVAL | [Imposition of Penalty on<br>[September 11, 1996, for work<br>[done at 1136 Florida Street.<br>[APPLICATION NO. 9613122.<br>[FOR HEARING TODAY. |

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $297.05 for a total of $594.10.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-125**

(B) REMEDIOS ARENAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[September 18, 1996, for work
[done at 251 Silver Avenue.
[APPLICATION NO. 9521224.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO 96-126**

(5) LUCIANA GALLINA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[6, 1996, to Brian McNaught and
[Ray Struble, permit to Alter a
[Building (remove existing steps
[and landing; construct new wood
[deck and steps to grade; remove
[existing load-bearing partitions
[and install new posts and headers;
[remove and replace existing door
[and windows with new metal and
[and glass canopy at existing bay;
[remove and replace existing garage
[door) at 3520 Baker Street.
[APPLICATION NO. 9611802.
[FOR HEARING TODAY.

**ACTION:** **WITHDRAWN** by appellant on **October 9, 1996** prior to hearing.

**APPEAL NO. 96-129**

(6) CHARLES S. HOLDEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[10, 1996, to Shirley Davis, permit
[to Alter a Building (relocate
[windows as shown on east, north
[and west facades; build new stair-
[case to connect ground floor to
[first floor; and reinforce stair
[from first floor to second floor)
[at 2550 Filbert Street.
[APPLICATION NO. 9617102.
[FOR HEARING TODAY.

**ACTION:** **WITHDRAWN** by appellant on **October 3, 1996.**

**APPEAL NO. V96-128**

(7) IRENE MORECI, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on September
[13, 1996, to Moulton St. Proper-
[ties Minimum Lot Width and Area
[Variance (subdivide an existing
[through-lot fronting both Green-
[wich and Pixley Streets into two
[lots; subject lot contains a two-
[story over garage, single-family
[dwelling facing Greenwich and
[a one story garage facing Pixley;
[the existing buildings are sche-
[for demolition and a new three-
[story over garage single-family
[dwelling is proposed for each
[of the newly subdivided lots)
[at 2263 Greenwich Street.
[VARIANCE CASE NO. 96.200V.
[FOR HEARING TODAY.

**ACTION:** **WITHDRAWN** by appellant on **October 8, 1996.**

There being no further business, President Hu adjourned the meeting at 5:55 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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10/30/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, OCTOBER 30, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

(3) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-132**

(A) CARIDAD R. PEREA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 7, 1996, for
[work done at 20 Girard Street.
[APPLICATION NO. 9606583.
[FOR HEARING TODAY.

**APPEAL NO. 96-133**

(B) KENNETH GARDELS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 8, 1996, for
[work done at 204 Eureka Street.
[APPLICATION NO. 9419132S.
[FOR HEARING TODAY.

**APPEAL NO. 96-136**

(C) ALEXANDER TAKAHASHI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 15, 1996,
[for work done at 4690 - 18th St.
[APPLICATION NO. 9615162.
[FOR HEARING TODAY.

**APPEAL NO. 96-099**

(4) TOM McGRATH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 30, 1996,
[of permit to Erect a Building
[(two family dwelling) at
[1241 - 5th Avenue.
[APPLICATION NO. 9517407S.
[FOR FURTHER HEARING TODAY.

**APPEAL NO. 96-006**

(5) MICHAEL TATUM & MATTHEW LEFFERS,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated January 10,
[1996 by the Zoning Administrator
[that the former use of the property
[at 650-656 Fourth Street as a
[tourist hotel is considered discon-
[tinued or abandoned under Section
[183 of the Planning Code and that
[restoration of tourist hotel use
[would not be permitted under SSO
[zoning and the nonconforming use
[provisions of the Planning Code.
[FOR REHEARING TODAY.

**APPEAL NO. 96-134**

(6) DONALD J. TOAN, Appellant
vs.
DEPARTMENT OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[7, 1996 (suspended September 25,
[1996 to allow appeal) to Mark
[Casagranda, permit to Alter a
[Building (install roof deck and
[stair to roof; including new
[stair penthouse) at
[47 Telegraph Place.
[APPLICATION NO. 9506538S.
[FOR HEARING TODAY.

Date posted: October 24, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

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Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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SF
P30

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, OCTOBER 30, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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#3
10/30/96

**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Vickie Walker, Official Court Reporter.

**ABSENT:** Commissioner Mario Salgado.

**Vickie Walker, substituting for Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-132**

(A) CARIDAD R. PEREA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 7, 1996, for
[work done at 20 Girard Street.
[APPLICATION NO. 9606583.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-133**

(B) KENNETH GARDELS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 8, 1996, for
[work done at 204 Eureka Street.
[APPLICATION NO. 9419132S.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

**SPEAKERS:** The appellant was not present.

**APPEAL NO. 96-136**

(C) ALEXANDER TAKAHASHI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 15, 1996,
[for work done at 4690 - 18th St.
[APPLICATION NO. 9615162.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-099**

(4) TOM McGRATH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 30, 1996,
[of permit to Erect a Building
[(two family dwelling) at
[1241 - 5th Avenue.
[APPLICATION NO. 9517407S.
[FOR FURTHER HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the departments and to **GRANT** the permit on **CONDITION** that the plans be revised in conformity with the preliminary plans initialled by the parties and submitted to the Board at the hearing, and that the permit holder shall record a Notice of Special Restrictions on the land records indicating that the building shall be for two-family use only.

**SPEAKERS:** Alice Barkley, attorney for appellant; Sue Hestor, attorney for John Herrell; and Robert Passmore, Zoning Admnistrator.

**APPEAL NO. 96-006**

(5)

MICHAEL TATUM & MATTHEW LEFFERS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated January 10, [1996 by the Zoning Administrator [that the former use of the property [at 650-656 Fourth Street as a [tourist hotel is considered discon- [tinued or abandoned under Section [183 of the Planning Code and that [restoration of tourist hotel use [would not be permitted under SSO [zoning and the nonconforming use [provisions of the Planning Code. [FOR REHEARING TODAY.

**ACTTION:** After discussion, upon motion and findings by Commissioner McInerney, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and allow the property to be used as a tourist hotel, a Non-Conforming Use in the SSO District.

**SPEAKERS:** Andrew Zacks, attorney for appellants; Matthew Leffers, appellant; Anna C. Yee, Judith Baker, Robert Formichi and Ernesto Rivas, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Sue Hestor, in suppport of the Zoning Administrator; and Judith Boyajian, Deputy City Attorney.

**APPEAL NO. 96-134**

(6)

DONALD J. TOAN, Appellant
vs.
DEPARTMENT OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August [7, 1996 (suspended September 25, [1996 to allow appeal) to Mark [Casagranda, permit to Alter a [Building (install roof deck and [stair to roof; including new [stair penthouse) at [47 Telegraph Place. [APPLICATION NO. 9506538S. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Donald Toan, appellant; Jim Valenti, architect for appellant; Ron Wallace, architect for permit holder; Mark Casagranda, permit holder; Lawrence Higa, in support of the project; James Hutchinson, Deputy Director of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

There being no further business, President Hu adjourned the meeting at 7:25 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

SF
P30
#2
11/6/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, NOVEMBER 6, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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Agenda

(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

Letter from Suleiman Zeidan requesting that the Board take jurisdiction over health permit issued to Ben's Shell Service Station at 1898 Van Ness Avenue to sell candy and soft drinks.

| | |
|---|---|
| Date issued | September 24, 1996 |
| Appeal period ended | October 9, 1996 |
| Request for jurisdiction | October 24, 1996 |

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-139**

(A) WILSON WONG, Appellant
vs.
DEPT. BUILDING INSPECTION
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 18, 1996, for work
[done at 301 Felton Street.
[APPLICATION NO. 9611842.
[FOR HEARING TODAY.

(2)

**APPEAL NO. 96-141**

(B) KIN NANG YAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 22, 1996, for work
[done at 38 Granada Avenue.
[APPLICATION NO. 9607819.
[FOR HEARING TODAY.

**APPEAL NO. 96-142**

(C) FLORDELINO MATEO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 24, 1996, for work
[done at 336 Ashton Avenue.
[APPLICATION NO. 9617315.
[FOR HEARING TODAY.

**APPEAL NO. 96-066**

(5) CASTRO YOGURT PARTNERS, dba "ULTIMATE YOGURT & MORE", Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation dated May 23, 1996 [from the Zoning Administrator [that the existing full service [restaurant at 495 Castro Street [is not permitted in the Castro [Street Neighborhood Commercial [District and that the Dept. of [Public Health permit issued for [this use was issued in error after [being disapproved by the Planning [Department on November 30, 1995; [and that to continue this use, [conditional use authorization [from the Planning Commission is [necessary.
[FOR REHEARING TODAY.

**APPEAL NO. 96-137**

(6) MARY CHENG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning Admin- [istrator dated October 9, 1996 [that the Police Permit Applicat' [referral for cabaret/24-hour ope.. [tion of an existing restaurant [(since May 1983) at 737 Washington [Street requires conditional use [authorization by the Planning [Commission for approval under [Planning Code Sections 811.27 [and 890.48 for operation 11:00 [a.m. to 2:00 a.m., and that opera- [tion after 2:00 a.m. is prohibited [in the Chinatown Visitor Retail [District.
[FOR HEARING TODAY.

Date posted: October 31, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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#3
11/6/96

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, NOVEMBER 6, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** President Hu commented on copies of correspondence between neighbors and Planning staff, Executive Secretary explained they are transmitted as information but not calendared for any action.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

Letter from Suleiman Zeidan requesting that the Board take jurisdiction over health permit issued to Ben's Shell Service Station at 1898 Van Ness Avenue to sell candy and soft drinks.

| | |
|---|---|
| Date issued | September 24, 1996 |
| Appeal period ended | October 9, 1996 |
| Request for jurisdiction | October 24, 1996 |

**ACTION:** After discussion, upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **GRANT** jurisdiction. Mr. Zeidan has 15 days to file an appeal.

**SPEAKERS:** Suleiman Zeidan, requestor; Michael Meenan, agent for permit holder.

**The Board recessed from 5:59 to 6:12 p.m.**

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-139**

(A) WILSON WONG, Appellant
vs.
DEPT. BUILDING INSPECTION
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 18, 1996, for work
[done at 301 Felton Street.
[APPLICATION NO. 9611842.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for $594.10.

**SPEAKER:** The appellant was present but did not speak.

**APPEAL NO. 96-141**

(B) KIN NANG YAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 22, 1996, for work
[done at 38 Granada Avenue.
[APPLICATION NO. 9607819.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $248.30 for $496.60.

**SPEAKER:** The appellant was present but did not speak.

**APPEAL NO. 96-142**

(C) FLORDELINO MATEO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 24, 1996, for work
[done at 336 Ashton Avenue.
[APPLICATION NO. 9617315.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $248.30 for $496.60.

SPEAKER: The appellant was present but did not speak.

**Commissioner Salgado arrived at 6:19 p.m.**

APPEAL NO. 96-066

(5) CASTRO YOGURT PARTNERS, dba "ULTIMATE YOGURT & MORE", Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation dated May 23, 1996 [from the Zoning Administrator [that an existing full service [restaurant at 495 Castro Street [is permitted in the Castro [Street Neighborhood Commercial [District and that the Dept. of [Public Health permit issued for [this use was issued in error after [being disapproved by the Planning [Department on November 30, 1995; [and that to continue this use, [conditional use authorization [from the Planning Commission is [necessary. [FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Salgado, the Board voted 3-2 (President Hu and Commissioner McInerney dissented) to overrule the Zoning Administrator and allow the fast food restaurant. Four votes are needed and the motion fails. The Zoning Administrator is UPHELD.

SPEAKERS: David Gellman, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Lion Barnett, Barry Hermanson, in support of the Zoning Administrator; Judith Boyajian, Deputy City Attorney; David Gross, appellant; and Gary Bell, agent for appellant.

**The Board recessed from 7:33 to 7:39 p.m.**

APPEAL NO. 96-137

(6) MARY CHENG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning Admin- [istrator dated October 9, 1996 [that the Police Permit Application [referral for cabaret/24-hour opera- [tion of an existing restaurant [(since May 1983) at 737 Washington [Street requires conditional use [authorization by the Planning [Commission for approval under [Planning Code Sections 811.27 [and 890.48 for operation 11:00 [a.m. to 2:00 a.m., and that opera- [tion after 2:00 a.m. is prohibited [in the Chinatown Visitor Retail [District. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **CONTINUE** the matter six months for the purpose of sending a letter to Planning Commission recommending review of Chinatown Visitor Retail District standards as they apply to 24-hour restaurants.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Gordon Lau, attorney for appellant; Chester Chin, contractor for appellant; and Helen Canton, in support of appellant.

There being no further business, President Hu adjourned the meeting at 8:11 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

S1
P30
#2
11/13/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, NOVEMBER 13, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

(3) **CONSENT ITEMS**: With the consent of the Police Department after the submittal of acceptable proof of the appellant having paid the appropriate annual fee, the Board will proceed to a single vote on all Police revocation items, without testimony, to overrule the Police Department's revocations, and to reinstate the permits. Without departmental consent the Board will conduct a public hearing and then vote on the individual item.

**APPEAL NO. 96-144**

(A) DINH TAN BUI, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Driver Public Passenger
[Vehicle permit.
[PERMIT NO. 36476.
[FOR HEARING TODAY.

**APPEAL NO. 96-146**

(B) ALVA COSEY, dba "COSEY'S INN",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Mechanical Amusement Device
[permit at 4100 Third Street.
[PERMIT NO. 44984.
[FOR HEARING TODAY.

**APPEAL NO. 96-147**

(C) HARRY AU-YEUNG, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Driver Public Passenger
[Vehicle permit.
[PERMIT NO. 34591.
[FOR HEARING TODAY.

**APPEAL NO. 96-148**

(D) HEATHER HINDMARSH, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Masseuse permit.
[PERMIT NO. 01210.
[FOR HEARING TODAY.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-143**

(A) PETER WARING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 25, 1996, for work
[done at 49 Bache Street.
[APPLICATION NO. 9607831.
[FOR HEARING TODAY.

**APPEAL NO. 96-145**

(B) FRED R. WINN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 1, 1996, for work
[done at 1222 York Street.
[APPLICATION NO. 9611196.
[FOR HEARING TODAY.

**APPEAL NO. 96-130**

(5) PATRICK CONLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on September 16, 1996,
[of permit to Alter a Building
[(legalize existing ground floor
[unit built during the 1890's)
[at 38 Lyon Street.
[APPLICATION NO. 9419077S.
[FOR HEARING TODAY.

**Items (6A) and (6B) shall be heard together**

**APPEAL NO. 96-046**

(6A) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April
[9, 1996, to Anthony and Susan
[Chan, permit to Erect a Building
[(three-story single family
[dwelling) at 2168 - 10th Avenue.
[APPLICATION NO. 9501843S.
[FOR HEARING TODAY.

**APPEAL NO. 96-140**

(6B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the
[Zoning Administrator dated
[September 9, 1996 partially
[granting and partially refusing
[determinations requested of him
[by the appellants that the plans
[approved for the one-family house
[proposed for 2168 - 10th Avenue
[are in violation of eight sections
[of the Planning Code, and that
[he refused to determine that
[inadequate and incorrect facts
[were available to support the
[conditional use authorization
[for the lot split and the appli
[cant misrepresented facts on which
[the Planning Commission relied
[in allowing the lot split for
[the property at 2150 - 10th Avenue.
[FOR HEARING TODAY.

Date posted: November 7, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

## KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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11/13/96

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, NOVEMBER 13, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**ABSENT:** Vice President Mauri Schwartz.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **CONSENT ITEMS:** With the consent of the Police Department after the submittal of acceptable proof of the appellant having paid the appropriate annual fee, the Board proceeded to a single vote on all Police revocation items, without testimony, to overrule the Police Department's revocations, and to reinstate the permits.

**APPEAL NO. 96-144**

(A) DINH TAN BUI, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Driver Public Passenger
[Vehicle permit.
[PERMIT NO. 36476.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **REINSTATE** the permit with the **CONDITION** that evidence of having paid the annual fee is submitted to the Sergeant Coggan within 10 days.

**SPEAKERS:** Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.

**APPEAL NO. 96-146**

(B) ALVA COSEY, dba "COSEY'S INN", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Mechanical Amusement Device
[permit at 4100 Third Street.
[PERMIT NO. 44984.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **REINSTATE** the permit with the **CONDITION** that evidence of having paid the annual fee is submitted to the Sergeant Coggan within 10 days.

**SPEAKERS:** Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.

**APPEAL NO. 96-147**

(C) HARRY AU-YEUNG, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Driver Public Passenger
[Vehicle permit.
[PERMIT NO. 34591.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **REINSTATE** the permit with the **CONDITION** that evidence of having paid the annual fee is submitted to the Sergeant Coggan within 10 days.

**SPEAKERS:** Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.

**APPEAL NO. 96-148**

(D) HEATHER HINDMARSH, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, 1996,
[of Masseuse permit.
[PERMIT NO. 01210.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **REINSTATE** the permit with the **CONDITION** that evidence of having paid the annual fee is submitted to the Sergeant Coggan within 10 days.

**SPEAKERS:** Sergeant William Coggan, S.F.P.D. The appellant was present but did not speak.

4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-143**

A) PETER WARING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 25, 1996, for work
[done at 49 Bache Street.
[APPLICATION NO. 9607831.
[FOR HEARING TODAY.

**ACTION**: Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

**SPEAKERS**: The appellant was present but did not speak.

**APPEAL NO. 96-145**

(B) FRED R. WINN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 1, 1996, for work
[done at 1222 York Street.
[APPLICATION NO. 9611196.
[FOR HEARING TODAY.

**ACTION**: Upon motion by Commissioner Salgado, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

**SPEAKERS**: The appellant was present but did not speak.

**APPEAL NO. 96-130**

(5) PATRICK CONLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on September 16, 1996,
[of permit to Alter a Building
[(legalize existing ground floor
[unit built during the 1890's)
[at 38 Lyon Street.
[APPLICATION NO. 9419077S.
[FOR HEARING TODAY.

**ACTION**: **RESCHEDULED** to **December 11, 1996** for further review by Department of Building Inspection and possible settlement.

**Items (6A) and (6B) were heard together**

**APPEAL NO. 96-046**

(6A) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April [9, 1996, to Anthony and Susan [Chan, permit to Erect a Building [(three-story single family [dwelling) at 2168 - 10th Avenue. [APPLICATION NO. 9501843S. [FOR HEARING TODAY.

**APPEAL NO. 96-140**

(6B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the [Zoning Administrator dated [September 9, 1996 partially [granting and partially refusing [determinations requested of him [by the appellants that the plans [approved for the one-family house [proposed for 2168 - 10th Avenue [are in violation of eight sections [of the Planning Code, and that [he refused to determine that [inadequate and incorrect facts [were available to support the [conditional use authorization [for the lot split and the appli- [cant misrepresented facts on which [the Planning Commission relied [in allowing the lot split for [the property at 2150 - 10th Avenue. [FOR HEARING TODAY.

**ACTION:** **RESCHEDULED** to **December 4, 1996** at the request of the Board.

There being no further business, President Hu adjourned the meeting at 5:47 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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/20/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, NOVEMBER 20, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:**

**ITEM A**: Letter from Mario V. Martinez, dba "La Fuente Club" at 3187 Mission Street requesting that the Board take jurisdiction over revocation of Billiard Parlor, Dance Hall Keeper and Place of Entertainment permits for failure to pay license fees.

| | |
|---|---|
| Date of revocation | October 17, 1996 |
| Last day to appeal | November 1, 1996 |
| Request for jurisdiction | November 8, 1996 |

**REQUEST FOR REHEARING:**

**ITEM B**: Letter from Donald J. Toan, appellant requesting rehearing of Appeal No. 96-134, 47 Telegraph Place. Hearing October 30, 1996. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to **UPHOLD** the department and **GRANT** the permit.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-112**

(A) IVAN MRSIC, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 8, 1996, for work
[done at 660 Myra Way.
[APPLICATION NO. 9514367.
[FOR HEARING TODAY.

**APPEAL NO. 96-149**

(B) FUNG LOON NG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 31, 1996, for work
[done at 44 DeLong Street.
[APPLICATION NO. 9616345.
[FOR HEARING TODAY.

**APPEAL NO. 96-152**

(5) ROXANNE WORTHINGTON & THOMAS SHIOSAKA, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[25, 1996, to Stephen and Judith
[Gorski, permit to Alter a Build-
[ing (install third story window)
[at 2366 - 48th Avenue.
[APPLICATION NO. 9620722.
[FOR HEARING TODAY.

**APPEAL NO. 96-135**

(6) JOHN AND EILEEN MORRISSEY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[27, 1996, to John Roth, permit
[to Alter a Building (rear deck
[extension over existing recreation
[room; maximum vertical extension
[4'6" including 3'0" railing) at
[2020 Jackson Street.
[APPLICATION NO. 9613267S.
[FOR HEARING TODAY.

Date posted: November 14, 1996

## MEMBERS OF THE BOARD OF APPEALS

| | |
|---|---|
| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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cations in order to minimize delay to those in attendance for appeals.

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11/20/96

# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, NOVEMBER 20, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Vickie Walker, Official Court Reporter.

**Vickie Walker, substituting for Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

**REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:**

**ITEM A:** Letter from Mario V. Martinez, dba "La Fuente Club" at 3187 Mission Street requesting that the Board take jurisdiction over revocation of Billiard Parlor, Dance Hall Keeper and Place of Entertainment permits for failure to pay license fees.

| | |
|---|---|
| Date of revocation | October 17, 1996 |
| Last day to appeal | November 1, 1996 |
| Request for jurisdiction | November 8, 1996 |

**ACTION:** After discussion, upon motion by Commissioner Salgado, the Board voted 5-0 to **GRANT** the request for jurisdiction. Mr. Martinez has fifteen days to file an appeal.

SPEAKERS: Sergeant William Coggan, S.F.P.D. The requestor was present but did not speak.

REQUEST FOR REHEARING:

ITEM B: Letter from Donald J. Toan, appellant requesting rehearing of Appeal No. 96-134, 47 Telegraph Place. Hearing October 30, 1996. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Salgado absent) to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: Donald Toan, appellant; and Mark Casagranda, permit holder.

(4) CONSENT ITEMS: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 96-112

(A) IVAN MRSIC, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 8, 1996, for work
[done at 660 Myra Way.
[APPLICATION NO. 9514367.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to four times the regular fee of $172.90 for a total of $691.60.

SPEAKERS: Ivan Mrsic, appellant; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection, who did not consent to reduction of penalty.

APPEAL NO. 96-149

(B) FUNG LOON NG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[October 31, 1996, for work
[done at 44 DeLong Street.
[APPLICATION NO. 9616345.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Salgado, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection. The appellant was present but did not speak.

cations in order to minimize delay to those in attendance for appeals.



**APPEAL NO. 96-152**

(5) ROXANNE WORTHINGTON & THOMAS SHIOSAKA, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [25, 1996, to Stephen and Judith [Gorski, permit to Alter a Build- [ing (install third story window) [at 2366 - 48th Avenue. [APPLICATION NO. 9620722. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the lower half of the window be made of translucent glass.

**SPEAKERS:** Roxanne Worthington and Thomas Shiosaka, appellants; Stephen Gorski, permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

**APPEAL NO. 96-135**

(6) JOHN AND EILEEN MORRISSEY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September [27, 1996, to John Roth, permit [to Alter a Building (rear deck [extension over existing recreation [room; maximum vertical extension [4'6" including 3'0" railing) at [2020 Jackson Street. [APPLICATION NO. 9613267S. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **December 4, 1996** for further review of the project.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for appellants; and Jeremy Paul, agent for permit holder. Continuance was requested by appellant's attorney and opposed by permit holder's representative.

There being no further business, President Hu adjourned the meeting at 6:43 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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12/4/96

# REGULAR MEETING OF THE BOARD OF APPEALS

## WEDNESDAY, DECEMBER 4, 1996

## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING

## 401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

(3) Public hearing and consideration of draft letter from Board of Appeals to Planning Commission recommending review of Chinatown Visitor Retail District standards as they apply to 24-hour restaurants.

**APPEAL NO. 96-155**

(4) SULEIMAN ZEIDAN, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent

[Protesting issuance on September [24, 1996, to Canadian American [Oil Co., permit for Food Product [Marketing Establishment (sale [of candy and soft drinks) at [1898 Van Ness Avenue. [PERMIT NO. B 18602. [FOR HEARING TODAY.

**Items (5A) and (5B) shall be heard together**

**APPEAL NO. 96-046**

(5A) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April [9, 1996, to Anthony and Susan [Chan, permit to Erect a Building [(three-story single family [dwelling) at 2168 - 10th Avenue. [APPLICATION NO. 9501843S. [FOR HEARING TODAY.

**APPEAL NO. 96-140**

(5B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the [Zoning Administrator dated [September 9, 1996 partially [granting and partially refusing [determinations requested of him [by the appellants that the plans [approved for the one-family house [proposed for 2168 - 10th Avenue [are in violation of eight sections [of the Planning Code, and that [he refused to determine that [inadequate and incorrect facts [were available to support the [conditional use authorization [for the lot split and the appli- [cant misrepresented facts on which [the Planning Commission relied [in allowing the lot split for [the property at 2150 - 10th Avenue. [FOR HEARING TODAY.

**APPEAL NO. 96-135**

(6) JOHN AND EILEEN MORRISSEY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September [27, 1996, to John Roth, permit [to Alter a Building (rear deck [extension over existing recreation [room; maximum vertical extension [4'6" including 3'0" railing) at [2020 Jackson Street. [APPLICATION NO. 9613267S. [FOR HEARING TODAY.

**Items (7A) and (7B) shall be heard together**

**APPEAL NO. 96-150**

(7A) MEGAN G. SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [18, 1996, to George Goodwin, [permit to Demolish a Building [at 1025-1027 Diamond Street. [APPLICATION NO. 9506308. [FOR HEARING TODAY.

**APPEAL NO. 96-151**

(7B) MEGAN G. SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [18, 1996, to George Goodwin, [permit to Erect a Building [(four stories, two residential [units) at 1025-1027 Diamond St. [APPLICATION NO. 9506307. [FOR HEARING TODAY.

**APPEAL NO. 96-153**

(8) WILLIAM CHAN, dba "STARDUST LOUNGE", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated October 28, [1996 by the Zoning Administrator [to not act on a Police Department [referral of a Place of Entertain- [ment permit application at 299 [Ninth Street because Planning [Code Section 817.37 does not allow [Nighttime Entertainment in Ser- [vice/Light Industrial-South of [Market (SLI-SOMA) Zoning District. [FOR HEARING TODAY.

**APPEAL NO. 96-162**

(9) MAJESTIC HOTEL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November [8, 1996, to Arthur Evans, permit [to Demolish a Building at 1550 [Sutter Street. [APPLICATION NO. 9619955. [FOR HEARING TODAY.

Date posted: November 26, 1996

## MEMBERS OF THE BOARD OF APPEALS

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| WAYNE JACKSON HU | PRESIDENT |
| MAURI SCHWARTZ | VICE PRESIDENT |
| CAROLE S. CULLUM | COMMISSIONER |
| JOHN E. McINERNEY, III | COMMISSIONER |
| MARIO A. SALGADO | COMMISSIONER |

MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

## PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

## REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

## ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
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# MINUTES OF THE
# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, DECEMBER 4, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKERS:** None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** None.

(3) Public hearing and consideration of draft letter from Board of Appeals to Planning Commission recommending review of Chinatown Visitor Retail District standards as they apply to 24-hour restaurants.

**ACTION:** Letter signed by Commissioners.

**SPEAKERS:** None.

**APPEAL NO. 96-155**

(4) SULEIMAN ZEIDAN, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent

[Protesting issuance on September
[24, 1996, to Canadian American
[Oil Co., permit for Food Product
[Marketing Establishment (sale
[of candy and soft drinks) at
[1898 Van Ness Avenue.
[PERMIT NO. B 18602.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Suleiman Zeidan, appellant; Aung Aung Taik, in support of appellant; Michael Meenan, representing permit holder; and Jack Breslin, Assistant Director of Environmental Health.

**Items (5A) and (5B) were heard together**

**APPEAL NO. 96-046**

(5A) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April [9, 1996, to Anthony and Susan [Chan, permit to Erect a Building [(three-story single family [dwelling) at 2168 - 10th Avenue. [APPLICATION NO. 9501843S. [FOR HEARING TODAY.

**APPEAL NO. 96-140**

(5B) JERALD ROBERTS & LINDA KIEFER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Amended determination by the [Zoning Administrator dated [September 9, 1996 partially [granting and partially refusing [determinations requested of him [by the appellants that the plans [approved for the one-family house [proposed for 2168 - 10th Avenue [are in violation of eight sections [of the Planning Code, and that [he refused to determine that [inadequate and incorrect facts [were available to support the [conditional use authorization [for the lot split and the appli- [cant misrepresented facts on which [the Planning Commission relied [in allowing the lot split for [the property at 2150 - 10th Avenue. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **January 22, 1997** for plan revisions reducing the size of the project to be approved by Planning and Building Inspection Departments and shown to neighbors.

**SPEAKERS:** John Sanger, attorney for appellants; Linda Kiefer, appellant; William Wara, John Craig, Felicia Leong, Harold Wright, opposed to the project; Alice Barkley and Jack Wholey, attorneys for permit holder; Robert Passmore, Zoning Administrator for the Planning Department, Gary Gee, architect for permit holder; and Judith Boyajian, Deputy City Attorney.

**The Board recessed from 7:43 to 7:48 p.m**

**APPEAL NO. 96-135**

(6) JOHN AND EILEEN MORRISSEY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September [27, 1996, to John Roth, permit [to Alter a Building (rear deck [extension over existing recreation [room; maximum vertical extension [4'6" including 3'0" railing) at [2020 Jackson Street. [APPLICATION NO. 9613267S. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the plans be revised as outlined by Commissioner Cullum or as approved by the appellants.

**SPEAKERS:** Alice Barkley, attorney for appellants; Eileen Morrissey, appellant; Jeremy Paul, representing permit holder; Irene Roth, permit holder; Rosemary Brito, designer for project; Tammy Mehmed and Dina Collins, in support of permit holder; and Robert Passmore, Zoning Administrator for the Planning Department.

**The Board recessed from 9:04 to 9:14 p.m.**

**Items (7A) and (7B) were heard together**

**APPEAL NO. 96-150**

(7A) MEGAN G. SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [18, 1996, to George Goodwin, [permit to Demolish a Building [at 1025-1027 Diamond Street. [APPLICATION NO. 9506308. [FOR HEARING TODAY.

**APPEAL NO. 96-151**

(7B) MEGAN G. SMITH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October [18, 1996, to George Goodwin, [permit to Erect a Building [(four stories, two residential [units) at 1025-1027 Diamond St. [APPLICATION NO. 9506307. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

**SPEAKERS:** Megan Smith, appellant; Doug Patterson, opposed to project; James Goodwin, permit holder; Brett Gladstone, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Louis Robles, architect for permit holder.

**APPEAL NO. 96-153**

(8) WILLIAM CHAN, dba "STARDUST LOUNGE", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated October 28, [1996 by the Zoning Administrator [to not act on a Police Department [referral of a Place of Entertain- [ment permit application at 299 [Ninth Street because Planning [Code Section 817.37 does not allow [Nighttime Entertainment in Ser- [vice/Light Industrial-South of [Market (SLI-SOMA) Zoning District. [FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the Zoning Administrator.

**SPEAKERS:** Robert Passmore, Zoning Administrator for Planning Department; Mark Rennie, attorney for Glen Scantlebury and Greg Jones, John O'Rourke, in support of the Zoning Administrator; and Bruce Quan, attorney for appellant.

**APPEAL NO. 96-162**

(9) MAJESTIC HOTEL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on November [8, 1996, to Arthur Evans, permit [to Demolish a Building at 1550 [Sutter Street. [APPLICATION NO. 9619955. [FOR HEARING TODAY.

**ACTION:** Upon motion by Vice President Schwartz, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the four conditions outlined in the letter from Larry Telford, attorney for the appellant and David Cincotta, attorney for the permit holder.

**SPEAKERS:** The attorneys and parties were present but did not speak.

There being no further business, President Hu adjourned the meeting at 10:15 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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# REGULAR MEETING OF THE BOARD OF APPEALS
## WEDNESDAY, DECEMBER 11, 1996
## 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
## 401 VAN NESS AVENUE, ROOM 428

1) **PUBLIC COMMENT**: This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **REQUEST FOR JURISDICTION**: Letter from Claire Pilcher, attorney for The Sunset Action Committee, requesting that the Board take jurisdiction over Building Permit Application No. 9616715 issued to Eddie Szeto to alter a building (proposed Burger King) at 1325 -9th Avenue.

| | |
|---|---|
| Date issued | October 11, 1996 |
| Last day to appeal | October 28, 1996 |
| Request for jurisdiction | December 2, 1996 |

4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

**APPEAL NO. 96-157**

A) NATIVIDAD C. MATEO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 15, 1996, for work
[done at 55-57 Crescent Avenue.
[APPLICATION NO. 9617316.
[FOR HEARING TODAY.

**APPEAL NO. 96-163**

B) SUSHIL KALRA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on November 25, 1996,
[for work done at 146 Trumbull
[Street.
[APPLICATION NO. 9613752.
[FOR HEARING TODAY.

**APPEAL NO. 96-130**

5) PATRICK CONLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on September 16, 1996,
[of permit to Alter a Building
[(legalize existing ground floor
[unit built during the 1890's)
[at 38 Lyon Street.
[APPLICATION NO. 9419077S.
[FOR HEARING TODAY.

**APPEAL NO. 96-156**

6) CHRISTINE B. CORDARO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[13, 1996, to lessee Emilio Moran,
[permit to Alter a Building con-
[vert office area to educational/
[church facility consisting of
[47 fixed chairs) at 5425 Mission
[Street.
[APPLICATION NO. 9606501.
[FOR HEARING TODAY.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

## MEMBERS OF THE BOARD OF APPEALS

| | |
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MAE J. CHU - OFFICIAL COURT REPORTER 386-9018

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

## SPECIAL NOTES

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# REGULAR MEETING OF THE BOARD OF APPEALS
# WEDNESDAY, DECEMBER 11, 1996
# 5:30 P.M., VETERANS WAR MEMORIAL BUILDING
# 401 VAN NESS AVENUE, ROOM 428

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**PRESENT:** President Wayne Hu, Vice President Mauri Schwartz, Commissioners Carole Cullum, John McInerney and Mario Salgado.

Robert Passmore, Zoning Administrator for the Planning Department; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Mae J. Chu, Official Court Reporter.

**Mae J. Chu, the Official Court Reporter, swore in all those who intended to testify during the meeting.**

(1) **PUBLIC COMMENT:** This period is limited to 15 minutes at the beginning of the calendar and can be continued to the end of the calendar by the chair to complete the presentations in order to minimize delay to those in attendance for appeals.

**SPEAKER:** Philip Carleton stated that the Building Department's permit notice procedure needs improvement.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

**SPEAKERS:** Commissioner McInerney requested that a tour of the Building Inspection and Planning Departments be scheduled in January 1997 to show the commissioners how building permits are processed.

The other commissioners agreed and the executive secretary said he would arrange it.

(3) **REQUEST FOR JURISDICTION:** Letter from Claire Pilcher, attorney for The Sunset Action Committee, requesting that the Board take jurisdiction over Building Permit Application No. 9616715 issued to Eddie Szeto to alter a building (proposed Burger King) at 1325 - 9th Avenue.

| | |
|---|---|
| Date issued | October 11, 1996 |
| Last day to appeal | October 28, 1996 |
| Request for jurisdiction | December 2, 1996 |

**ACTION:** After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (Vice President Schwartz, Commissioners McInerney and Salgado dissented) to grant jurisdiction. Four votes are needed and the motion failed. The request is **DENIED**.

**SPEAKERS:** Lee Clinch for The Sunset Action Committee, requestor; Robert McCarthy, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

**APPEAL NO. 96-157**

(A) NATIVIDAD C. MATEO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 15, 1996, for work
[done at 55-57 Crescent Avenue.
[APPLICATION NO. 9617316.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

**SPEAKERS:** The appellant was present but did not speak.

**APPEAL NO. 96-163**

(B) SUSHIL KALRA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on November 25, 1996,
[for work done at 146 Trumbull
[Street.
[APPLICATION NO. 9613752.
[FOR HEARING TODAY.

**ACTION:** Upon motion by Vice President Schwartz, the Board voted 4-0 (Commissioner Salgado absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee.

**SPEAKERS:** The appellant was present but did not speak.

**The Board recessed from 6:24 to 6:28 p.m.**

**APPEAL NO. 96-130**

(5) PATRICK CONLEY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on September 16, 1996,
[of permit to Alter a Building
[(legalize existing ground floor
[unit built during the 1890's)
[at 38 Lyon Street.
[APPLICATION NO. 9419077S.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department with findings to be adopted at the next meeting and **GRANT** the permit; the house's use is clarified as two units on **CONDITION** that smoke detectors are installed as required by the Building Code.

**SPEAKERS:** Robert Passmore, Zoning Administrator for the Planning Department; Rafael Torres-Gil, Senior Building Inspector for the Building Department; Jeremy Paul, representing the appellant; Cheshire Boone, reading statement from tenant in ground floor unit; Megan Conley, appellant's daughter; and Patrick Conley, appellant.

**The Board recessed from 7:12 to 7:19 p.m.**

**APPEAL NO. 96-156**

(6) CHRISTINE B. CORDARO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [13, 1996, to lessee Emilio Moran, [permit to Alter a Building (con- [vert office area to educational/ [church facility consisting of [47 fixed chairs) at 5425 Mission [Street.
[APPLICATION NO. 9606501.
[FOR HEARING TODAY.

**ACTION:** After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **CONTINUE** the matter to **January 15, 1997** for written conditions and to check work with the Planning Department.

**SPEAKERS:** Christine Cordaro, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Emilio Moran, permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Marilene Moran, permit holder's sister; Pastor Luningning M. Laylay, in support of permit holder.

**Items (7A), (7B), (7C) were heard together**

**APPEAL NO. 96-158**

(7A) JOHN & GRETCHEN BERGGRUEN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [1, 1996, to John Parker Willis, [permit to Erect a Building (two- [unit dwelling over garage) at [1035 Vallejo Street.
[APPLICATION NO. 9601788S.
[FOR HEARING TODAY.

**APPEAL NO. 96-159**

(7B) JOHN & GRETCHEN BERGGRUEN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November [1, 1996, to John Parker Willis, [permit to Erect a Building (two- [unit dwelling over garage) at [1039 Vallejo Street.
[APPLICATION NO. 9606099S.
[FOR HEARING TODAY.

**APPEAL NO. 96-160**

(7C) JOHN & GRETCHEN BERGGRUEN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[1, 1996, to John Parker Willis,
[permit to Erect a Building (two-
[unit dwelling over garage) at
[1045 Vallejo Street.
[APPLICATION NO. 9606100S.
[FOR HEARING TODAY.

**ACTION:** **WITHDRAWN** prior to hearing by letter from Harry O'Brien, attorney for appellants.

**APPEAL NO. 96-161**

(8) LORNA HERNANDEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November
[4, 1996, to Joseph Imbelloni,
[permit to Alter a Building (remodel
[all kitchens and bathrooms, install
[50 new fire rated front doors,
[paint interior) at 839 Leavenworth
[Street.
[APPLICATION NO. 9621404.
[FOR HEARING TODAY.

**ACTION:** After a request by Commissioner McInerney, upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** Commissioner McInerney because of conflict of interest; he left the dais at 8:15 p.m. Then after testimony and discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the following **CONDITIONS:** The permit holder shall pay $2,500 to each tenant that vacates an apartment by January 5, 1997, if by January 15th, $2,000, and if vacated after January 15th, $1,000 as required by ordinance. If the building is not ready to be occupied within 90 days, then the permit holder shall pay each tenant $100 per month, due the first of each month, as a rent subsidy until such time as the building is again habitable and the tenant has refused an offer to move back in. The 90 days shall begin at the time the last tenant vacates the building.

**SPEAKERS:** Steven Collins and Ashley Ilangwa, attorneys for appellant; Ali Ragati, in support of appellant; Robert Imbelloni and Joseph Imbelloni, permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert McCarthy, attorney for permit holder.

There being no further business, President Hu adjourned the meeting at 9:14 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Mae J. Chu, the Official Court Reporter, (415) 386-9018.

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